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## Third Committee

**Summary record of the 52nd meeting**
Held at Headquarters, New York, on Tuesday, 23 November 2004, at 3 p.m.

*Chairman:* Mr. Kuchinsky..... (Ukraine)
*Later :* Ms. Groux (Vice-Chairperson) ..... (Switzerland)

## Contents

Agenda item 100 : Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions *(continued)*

Agenda item 101 : Promotion and protection of the rights of children *(continued)*

Agenda item 103 : Elimination of racism and racial discrimination *(continued)*

a) Elimination of racism and racial discrimination *(continued)*

Agenda item 104 : Right of peoples to self-determination *(continued)*

Agenda item 105 : Human rights questions *(continued)*

b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)*

c) Human rights situations and reports of special rapporteurs and representatives

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*The meeting was called to order at 3.25 p.m.*

**Agenda item 100: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions** *(continued)* (A/C.3/59/L.74)

*Draft resolution A/C.3/59/L.74: New international humanitarian order*

1. **The Chairman** stated that the draft resolution had no budgetary implications and recalled that when it had been introduced, Bangladesh, Mexico and Thailand had joined the sponsors and Jordan had made some oral amendments.

2. **Mr. Hyassat** (Jordan) announced that Qatar had become a sponsor. His delegation hoped that, in accordance with tradition, States would adopt the draft by consensus.

3. **Mr. Khane** (Secretary of the Committee) announced that Benin had joined the sponsors.

4. *Draft resolution A/C.3/59/74, as orally revised, was adopted without a vote.*

5. **Mr. Prica** (Bosnia and Herzegovina) reiterated that his country had endeavoured for many years to promote a new international humanitarian order. After thanking the many countries that had contributed towards the preparation of the draft, he welcomed the fact that the resolution had once again been adopted by consensus.

6. **Ms. Tomar** (India), noting that the draft made extensive use of the terms of other resolutions, remarked that several paragraphs should not, in fact, have appeared in the document. The scope of the draft resolution had been considerably modified. Paragraph 8 should not be taken to mean that States agreed with the ideas and recommendations contained in the Secretary-General's report. The agenda for humanitarian action referred to in paragraph 2 should be based on the guiding principles for humanitarian assistance clearly set forth in Section I of the annex to General Assembly resolution 46/182, whose implementation would contribute towards the alleviation of suffering. The "new realities" and "new challenges" mentioned in the same paragraph referred to populations affected by humanitarian crises, in particular those arising from natural disasters. The central challenge for the international community was to maintain international cooperation in assisting affected States to cope with natural disasters and complex emergency situations, with particular emphasis on the phase from relief to development, including through the provision of adequate financial aid. It was also necessary to ensure that the provision of humanitarian assistance did not entail a diminution of the resources available for international development cooperation. Her delegation further considered that the international community should not forget the needs of populations living in emergency situations that had fallen into oblivion. As for the text of operative paragraph 3 referringd to the Secretary-General's efforts to promote adherence to and implementation of international humanitarian, refugee and human-rights law in humanitarian emergency situations, her delegation took the view that the obligations and principles invoked in the paragraph were those set forth in General Assembly resolution 46/182.

7. **Mr. Cumberbach Miguén** (Cuba) said that the full extent of the consequences of natural disasters, as compared with other humanitarian emergency situations, was all too often underestimated. The Secretary-General's report on the new international humanitarian order (A/59/554) contained references to several new concepts of a somewhat dubious nature, including that of "protection culture" which had cropped up in several recent resolutions relating to humanitarian aid. His delegation did not espouse such ideas, which, under cover of providing assistance to victims of humanitarian crises of various kinds, were designed to rewrite international law and alter the purposes and principles of the Charter of the United Nations. The implications of paragraphs added to the draft resolution on United Nations activities in the field of humanitarian assistance should in future be examined with care.

**Agenda item 103: Elimination of racism and racial discrimination** *(continued)* (A/C.3/59/L.71)

*Draft resolution A/C.3/59/L.71: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action*

8. **Mr. Al-Motawa** (Qatar) requested that action on draft resolution A/C.3/59/L.71 be postponed until the following day, as consultations were still in progress.

9. **Mr. Khane** (Secretary of the Committee) read out the budgetary implications of the draft resolution. Since the US$ 29 000 needed for the holding of a high-level seminar during the first three days of the fourth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action were to be provided from extra-budgetary resources, adoption of the draft resolution would not necessitate opening an additional credit. It would be recalled that US$ 240 000 had already been included in the programme budget for the 2004-2005 biennium in order to enable the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action to carry out their mandate effectively; accordingly, no additional credit would have to be opened should paragraph 26 of the draft resolution be adopted. He then read out paragraph 39 of the draft and recalled that the terms of reference of the Special Rapporteur on present-day forms of racism, racial discrimination, xenophobia and related intolerance fell within the category of activities of a perennial nature and that credits for such activities were already included in the programme budget for the 2004-2005 biennium. In conclusion, he drew the Committee's attention to the contents of Section VI, Part B of resolution 45/248 concerning the role of the Fifth Committee and of the Advisory Committee on Administrative and Budgetary Questions.

10. **The Chairman** said that, in the absence of any objection, action on draft resolution A/C.3/59/L.71 would be postponed until the next day.

11. *It was so decided.*

**(a) Elimination of racism and of racial discrimination** *(continued)* (A/C.3/59/L.67/Rev.1)

***Draft resolution A/C.3/59/L.67/Rev.1: Measures to be taken against political platforms and activities based upon doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism***

12. **The Chairman** said that the draft resolution had no budgetary implications and recalled that, in introducing the draft, the representative of Belarus had orally revised it.

13. **Mr. Khane** (Secretary of the Committee) read out the revisions in questions. In paragraph 4, the words "with appreciation" were deleted.

14. **Mr. Taranda** (Belarus) expressed the hope that, as in the past, the Committee would adopt the draft resolution by consensus, thereby confirming the opposition of the United Nations to all doctrines of superiority based on racism, racial discrimination, xenophobia and related intolerance.

15. **Mr. Camponovo** (United States of America) said that his delegation was joining the consensus on the draft resolution on the understanding that the draft in no way encouraged States to restrict the freedom of expression and of opinion. The best way to fight pernicious ideas was through discussion and criticism, not through repression.

16. *Draft resolution A/C.3/59/L.67/Rev.1, as orally revised, was adopted without a vote.*

**Agenda item 104: Right of peoples to self determination** *(continued)* (A/C.3/59/L.79/Rev.1 and A/C.3/59/L.75)

***Draft resolution A/C.3/59/L.70/Rev.1: The right of the Palestinian people to self-determination***

17. **The Chairman** said that the draft resolution had no budgetary implications.

18. **Mr. El-Badri** (Egypt) announced that the following countries had become sponsors of the draft resolution: Andorra, Armenia, Austria, Barbados, Belgium, Bolivia, Botswana, Burkina Faso, Cape Verde, Congo, Cyprus, Democratic People's Republic of Korea, Ecuador, Estonia, Finland, France, Gambia, Greece, Guinea-Bissau, Guyana, Hungary, India, Ireland, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Monaco, Netherlands, Niger, Nigeria, Norway, Poland, Portugal, Romania, San Marino, Saint Vincent and the Grenadines, Slovakia, Slovenia, Spain, Sweden, Swaziland, Turkey, United Republic of Tanzania,

Zambia and Zimbabwe. Pointing out that only the sixth and seventh preambular paragraphs of the draft had been revised, he explained that the revisions were of a purely linguistic nature and did not in any way affect the contents of the draft. He read out those paragraphs, as revised, and enjoined all members of the Committee to show their solidarity with the Palestinian people by voting in favour of the draft.

19. **Mr. Khane** (Secretary of the Committee) announced that Afghanistan, Albania, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Central African Republic, Grenada, Iceland, Liberia, Madagascar, South Africa, Switzerland, Ukraine and Venezuela had become sponsors of the draft.

20. **Mr. van Loosdrecht** (Netherlands), speaking on behalf of the European Union, the candidate countries (Bulgaria, Croatia, Romania and Turkey) and the potential candidate countries of the Stabilization and Association Process (Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia, and Serbia and Montenegro), as well as the European Free Trade Association countries members of the European Economic Area, reaffirmed that the European Union was firmly resolved that the Palestinian people should be enabled to exercise its inalienable right to self-determination, including the possibility to establish a sovereign State. It welcomed the goals outlined in the Road Map presented by the Quartet and accepted by both parties (viz., two States, a viable, sovereign and independent Palestinian State existing peacefully side by side with a State of Israel having recognized and secure frontiers) and was convinced that that solution represented the best guarantee of Israel's security and the best way towards its recognition as a regional partner. The European Union was actively participating in the Quartet's efforts to achieve a definitive, equitable and comprehensive settlement of the conflict in conformity with Security Council resolutions 242 (1967), 338 (1973 and 1397 (2002) and with the Road Map presented by the Quartet on 30 April 2003. The right to self-determination included the holding of elections within the framework of a democratic society. The European Union wished to stress its readiness to assist the electoral process in the Palestinian territories. It enjoined the Palestinian Authority to hold elections in accordance with international standards, under the authority of an independent electoral commission, and invited Israel to facilitate the elections. The European Union wished to reiterate its undertaking to cooperate with the Quartet and with partners in the Arab world in assisting the Palestinian people to realize its right to self-determination.

21. **Ms. García-Matos** (Venezuela) said that her delegation supported the Palestinian people's struggle for self-determination and was in favour of the draft resolution.

22. **The Chairman** said that a recorded vote had been requested.

23. **Mr. El-Badri** (Egypt) inquired who had requested a recorded vote.

24. **The Chairman** replied that the request had been made by the delegation of the United States of America.

25. *A recorded vote was taken on the draft resolution.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei-Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines,

Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States.

*Abstentions:*

Australia, Honduras, Papua New Guinea, Tuvalu.

26. *Draft resolution A/C.3/59/L.70/Rev.1 was adopted by 169 votes to 5, with 4 abstentions**.

27. **Ms. Kalay-Kleitman** (Israel), recalling the declaration made by the Prime Minister of Israel in the Knesset on 25 October 2004, said that Israel recognized the right to self-determination of all peoples, including the people of Palestine. Far from wishing to impose its will on millions of Palestinians or wishing to control their destinies, Israel was deeply attached to the vision of peace in the Middle East formulated in the Road Map, providing for a permanent two-State solution to th Israeli-Palestinian conflict, as was attested by its disengagement plan acknowledged by the international community. However, the right to self-determination was not a blank cheque legitimizing the recourse to violence and terrorism, no more than it was an authorization to ignore the rights of other peoples to self-determination and security. Her delegation therefore deemed it inappropriate to politicise the issue of the right to self-determination – which already formed the subject of a resolution adopted by the Third Committee each year – by the adoption of a partial draft resolution. It also considered it inopportune that the draft in question should focus on the rights of one of the two parties to the Israeli-Palestinian conflict and should invoke an advisory opinion that was highly controversial and warped. As stated in the Road Map, peace could be achieved only if the legitimate rights of both peoples, Israeli and Palestinian, were recognized, taken into account and negotiated.

28. Convinced that the draft resolution failed to reflect the reality of the situation, her delegation had voted against it. Advantage should be taken of the real opportunity that was presenting itself at that very moment, not in New York but in Gaza and Ramallah, so as to move forward towards the realization of the Road Map's objectives with a view to ending the violence and terrorism and to holding out a prospect of peace to all the peoples of the region.

29. **Mr. Choi** (Australia) said that, contrary to the preceding year when his delegation had voted for the draft resolution on the Palestinian people's right to self-determination, it had abstained from voting on the draft just adopted because of the insertion of the unhelpful and unfortunate reference to the advisory opinion rendered by the International Court of Justice on 9 July 2004. The reference was not likely to promote a settlement of the Israeli-Palestinian conflict and ran the risk of diverting the attention of both parties to the conflict from the urgent need to resume negotiations. In that connection, he recalled that at the tenth special emergency session of the General Assembly Australia had voted against resolution ES-10/14 requesting the International Court of Justice for an advisory opinion on the consequences of Israel's construction of the security barrier and had also voted against General Assembly resolution ES-10-15 on 20 July 2004.

30. **Ms. Grant** (Canada) said that her delegation unreservedly supported the right of the Palestinian people to self-determination and had voted for the draft resolution precisely because it proclaimed that right while at the same time emphasizing the importance of the process of negotiations towards its realization. However, Canada wished to make it officially known that, in its view, the reference – which was new - to the advisory opinion rendered by the International Court of Justice should have indicated the non-binding character of that opinion and that future resolutions should not cite an advisory opinion selectively or at least should

*The delegation of Mali informed the Committee that, had it been present at the voting, it would have voted in favour of the draft resolution.

balance any such reference by also referring to Israel's security problems.

31. **Mr. D'Alotto** (Argentina) said that his delegation, which endorsed the right of peoples to self-determination, had reaffirmed its support of the Palestinian people's right to establish a free and independent State by voting in favour of the draft resolution. Referring to the sixth preambular paragraph and, in particular, to the absolute ("erga omnes") quality of the right to self-determination, he said that that right could not be exercised in the absence of an active subject, namely, a people, and in that connection referred to paragraph 118 of the advisory opinion rendered by the International Court of Justice, according to which the existence of a "Palestinian people" was an incontrovertible fact.

32. **Ms. Rasheed** (Palestine), after welcoming the adoption of the draft resolution and expressing her delegation's thanks to the sponsors, said that the right of the Palestinian people to self-determination was, assuredly, undeniable. She therefore felt obliged to make known her grave concern at Israel's opposition to the draft resolution, fresh proof of the Israeli Government's rejection of the two-State solution. The settlement of the conflict was predicated upon each country's recognition of the other's sovereignty; far from being an end in itself, such recognition constituted an essential precondition. Yet to recognize the existence of the Palestinian people and its legitimate rights was impossible without recognizing its right to self-determination.

33. Her delegation was thoroughly perplexed by the negative vote cast by the United States, which ran counter to the many declarations made by the Government of that country in describing its own vision of the two States, Israel and Palestine, living peacefully side by side. The dichotomy was, to say the least, disappointing. It cast doubt upon the United States' mediation efforts in the search for a solution to the present tragic situation.

34. After referring to the 37 years of Israeli occupation, she said that, in a spirit of respect for the many Palestinians who, like the late Yasser Arafat, had given their whole lives to the right to live upon their own land in freedom and peace but had not lived to see their wish come true, the Palestinian people would continue the struggle to make that right not just an aspiration but a reality. In conclusion, she expressed the hope that if a draft resolution on the same question were to be submitted again the following year, the Committee would adopt it unanimously.

**Agenda item 105: Human rights questions: (b) human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** *(continued)* (A/C.3/59/L.62 and amendments thereto in document A/C.3/59/L.77)

*Draft resolution A/C.3/59/L.62: Enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy*

35. **The Chairman** said that because of continuing consultations, the main sponsors had requested the postponement of action on the draft resolution until a later stage.

36. *It was so decided.*

**(c) Human rights questions: human rights situation and reports of special rapporteurs and representatives** *(continued)* (A/C.3/59/L.54)

37. **Mr. Ali** (Somalia) pointed out that in the voting sheet for the motion of adjournment relating to draft resolution A/C.3/59/L.48 Somalia was shown as voting against the motion, whereas in fact it had voted in favour.

*Draft resolution A/C.3/59/L.54: Situation of human rights in the Democratic Republic of the Congo*

38. **The Chairman** announced that the draft resolution had no budgetary implications and that the Republic of Moldova had requested to be withdrawn from the list of sponsors.

39. **Ms. Bakker** (Netherlands), speaking on behalf of the European Union, requested a suspension of the meeting to enable delegations to complete their consultations in connection with the draft resolution.

*The meeting was suspended at 4.20 p.m. and resumed at 5.05 p.m.*

40. *Ms. Groux, Vice-Chairperson, took the Chair.*

**Agenda item 101: Promotion and protection of the rights of children *(continued)*** **(A/C.3/59/L.29/Rev.1, A/C.3/59/L.81, A/C.3/59/L.82 and Add.1, A/C.3/59/L.83)**

*Draft resolution A/C.3/59/L.29.Rev.1: Rights of the child*

41. **Mr. Cardoso** (Brazil), after announcing that Burkina Faso, Cape Verde and Switzerland had become sponsors of the draft and thanking the European Union for its constructive cooperation during the informal consultations, drew attention to two changes in the text. In paragraph 51 (a), the words "with particular focus on the contribution that the implementation of the Convention on the Rights of the Child can make to the eradication of poverty and hunger, and to submit his report to the General Assembly at its sixtieth session" should be deleted, as also should be subparagraph (e) of the same paragraph. In the absence of a consensus, the sponsors were thus relinquishing their proposal to the effect that the Third Committee should hold a debate focused on emerging problems relating to the rights of the child, and in particular on the impact of the Convention on the struggle against poverty and hunger, but they were not ruling out the possibility that the idea might be considered again in the future.

42. **The Chairman** said that the following countries had also joined the sponsors of the draft: Albania, Australia, Belarus, Benin, Bolivia, Bosnia and Herzegovina, Cameroon, Canada, Central African Republic, Congo, Cote d'Ivoire, Grenada, Kazakhstan, Kyrgyzstan, Liechtenstein, Madagascar, Malawi, Mauritius, Mongolia, Mozambique, Namibia, Nepal, New Zealand, Philippines, Russian Federation, Rwanda, Serbia and Montenegro, Somalia, South Africa, Thailand, Togo, Tunisia and Zambia.

*Amendments appearing in document A/C.3.59/L.81*

43. **Mr. Camponovo** (United States) drew attention to a number of technical corrections made in the text of the amendments. In paragraph 1, the words "adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-seventh ordinary session, held at Lusaka from 9 to 11 July 2001," were deleted. Paragraph 3 was amended to read: "Delete operative paragraph 4", and a new paragraph 3 bis, reading "Delete operative paragraph 9", was added. In the second line of the first subparagraph of paragraph 5, the word "ensuring" was replaced by "to ensure". Lastly, in paragraph 10, the word "and" was inserted before the words "takes note". He requested that a vote be taken on the amendments as a whole, with the exception of paragraphs 3 bis and 14, followed by separate votes on each of those two paragraphs.

*Amendments appearing in document A/C.3/59/L.81 with the exception of paragraphs 3 bis and 14*

44. **Mr. Cardoso** (Brazil), speaking in explanation of the sponsors' vote before the voting, rejected the proposed amendments and expressed surprise at the fact that some of them concerned paragraphs of the draft to which the author of the amendments had made no objection during the informal consultations. The proposed amendments to the second preambular paragraph and to operative paragraphs 2 and 4 minimized the importance of the Convention on the Rights of the Child, notwithstanding the fact that it was one of the world's most ratified instruments. The reference to corporal punishment in General Assembly resolution 58/157 represented an appreciable advance over the norms established in the Convention, and the proposed amendment to subparagraph (b) of that paragraph therefore constituted an unacceptable backward step. As for operative paragraph 25, the International Criminal Court was called upon to end the impunity of perpetrators of genocide, war crimes or crimes against humanity of which children were victims. By merely alluding to the Court, the proposed amendment minimized its importance, which was unacceptable. Lastly, the sponsors were radically opposed to the death penalty for minors below the age of 18 and therefore rejected the proposed amendment to paragraph 38 (a).

45. *A recorded vote was taken.*

*In favour:*

Palau, United States of America.

*Against:*

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of

Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Zimbabwe.

*Abstentions:*

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrein, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Cambodia, Democratic Republic of the Congo, Gambia, India, Iraq, Israel, Jamaica, Kuwait, Lebanon, Malaysia, Mauritania, Mongolia, Oman, Pakistan, Qatar, Saint Lucia, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tunisia, Uganda, United Arab Emirates, Viet Nam, Yemen.

46. *The amendments appearing in document A/C.3/59/L.81, with the exception of paragraphs 3 bis and 14, were rejected by 126 votes to 2, with 36 abstentions.*

*Paragraph 3 bis*

47 **Mr. Cardoso** (Brazil), speaking in explanation of the sponsors' vote before the voting, said that operational paragraph 9 was consequent upon recommendation C adopted by the Committee on the Rights of the Child at its thirty-fourth session on the organization of its work. That recommendation was to be found in document A/59/41. Dividing the Committee into two chambers would help to clear the accumulated backlog of reports, a situation that was, in a sense, the price of the success of the Convention, which counted 192 States parties, with 85 States parties to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and 86 States parties to the Optional Protocol on the Involvement of Children in Armed Conflict. Since the establishment of two chambers would have budgetary implications, as indicated in document A/C/3/59/L /Add.1, the matter could not be considered at a conference of States parties. The General Assembly was called upon to take a decision in the matter, just as, at its forty-ninth session, it had approved an increase in the number of annual meetings of the Committee and its pre-sessional working groups. It should be noted that the measure would be an exceptional and temporary one and that the principle of equitable geographical distribution would be respected. For all those reasons, the sponsors rejected the proposed amendment.

48. *A recorded vote was taken.*

*In favour:*

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Djibouti, Egypt, Gambia, Ghana, India, Iran (Islamic Republic of), Japan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Oman, Palau, Qatar, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, United Arab Emirates, United States, Viet Nam, Yemen.

*Against:*

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Indonesia, Ireland, Italy, Kenya, Latvia, Liechtenstein, Lithuania, Luxemburg,

Madagascar, Malawi, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Swaziland, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Zimbabwe.

*Abstentions:*

Bahamas, Barbados, Burundi, Democratic Republic of the Congo, Fiji, Guinea-Bissau, Iraq, Israel, Suriname, Uganda.

49. *Paragraph 3 bis was rejected by 112 votes to 30, with 10 abstentions.*

*Paragraph 14*

50. **Mr. Cardoso** (Brazil), speaking in explanation of the sponsors' vote before the voting, said that the sponsors wished paragraph 51 (c) to be maintained because of the importance of the role played by the Special Representative of the Secretary-General for Children and Armed Conflict.

51. *A recorded vote was taken.*

*In favour:*

Japan, Palau, United States.

*Against:*

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Abstentions:*

Bahamas, Bahrain, Bangladesh, Barbados, Burundi, Iraq, Lebanon, Oman, Pakistan, Qatar, Saudi Arabia, Suriname, Syrian Arab Republic, Uganda, United Arab Emirates, Yemen.

52. *Paragraph 14 was rejected by 139 votes to 3, with 16 abstentions.*

*Amendment appearing in document A/C.3/59/L.83*

53. **Mr. Khane** (Secretary of the Committee) said that if the proposed amendment were not adopted, draft resolution A/C.3/59/L.29/Rev.1 would have budgetary implications amounting to US$ 3 000, which would be the cost of implementing operative paragraph 51 (d). That additional expenditure could be covered from extra-budgetary resources and would therefore not necessitate the opening of additional credits.

54. **Ms. Khalil** (Egypt), explaining the reasons for which the sponsors were proposing the amendment, said that, in the first place, according to article 50 of the Convention it was not for the General Assembly to decide to modify the working methods of the

Committee, that being the prerogative of States members. Second, the Convention provided that reports of States members had to be considered by the Committee as a whole. Third, a decision of the kind proposed in the draft resolution would create a dangerous precedent for the work of other treaty bodies. Fourth, if the Committee were divided into two chambers, the reports of States parties would not be considered with all necessary care and the principles of diversity and equitable geographical distribution would not be guaranteed. That would have negative repercussions not only on the procedures for the consideration of reports but also on the subsequent recommendations. Lastly, the issue still formed the subject of controversy within the Committee itself, which had not approved the recommendation relating to the two chambers.

55. **Mr. Cardoso** (Brazil), speaking in explanation of the sponsors' vote before the voting, enjoined all States to vote against the amendment, drawing attention in that connection to recommendation C of the Committee on the Rights of the Child, which clearly requested to be divided into two chambers.

56. *A recorded vote was taken.*

*In favour:*

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Cambodia, China, Djibouti, Egypt, India, Indonesia, Iran (Islamic Republic of), Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Palau, Qatar, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, United Arab Emirates, United States, Viet Nam, Yemen.

*Against:*

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Mexico, Monaco, Mongolia, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Zimbabwe.

*Abstentions:*

Angola, Antigua and Barbuda, Bahamas, Barbados, Bhutan, Democratic People's Republic of Korea, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Guinea-Bissau, Guyana, Iraq, Jamaica, Kyrgyzstan, Myanmar, Nepal, Nigeria, Papua New Guinea, Philippines, Russian Federation, Sierra Leone, Uganda.

57. *The amendment in document A/C.3/59/L.83 was rejected by 97 votes to 38, with 22 abstentions.*

*Paragraph 9 of draft resolution A/C.3/59/L.29/Rev.1*

58. **Mr. Cardoso** (Brazil), speaking in explanation of the sponsors' vote before the voting, said that, for the reasons already given, the sponsors would vote for the maintenance of the paragraph and enjoined other delegation to do likewise.

59. *A recorded vote was taken.*

*In favour:*

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Guinea-Bissau, Hungary, Iceland, Ireland, Israel, Italy,

Kenya, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Zimbabwe.

*Against:*

Bahrain, Bangladesh, Cambodia, Djibouti, Egypt, India, Indonesia, Iran (Islamic Republic of), Japan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Niger, Oman, Pakistan, Palau, Qatar, Saudi Arabia, Senegal, Singapore, Sri Lanka, Sudan, Syrian Arab Republic, Turkmenistan, United Arab Emirates, United States, Viet Nam, Yemen.

*Abstentions:*

Antigua and Barbuda, Barbados, Brunei Darussalam, Democratic Republic of the Congo, Gambia, Ghana, Guyana, Iraq, Jamaica, Jordan, Malaysia, Myanmar, Sierra Leone, Uganda.

60. *Operative paragraph 9 was maintained by 114 votes to 30, with 14 abstentions.*

61. **Ms. Jo-Phie Tang** (Singapore) recalled that, during the fifty-eighth session, her delegation had expressed concern at the inclusion in the draft resolution under consideration at the time of references to the elimination of corporal punishment, advancing the explanation that, in its opinion, it was for each sovereign State to determine its domestic policies. Since, as was illustrated by operative paragraphs 23 (b) and 38 (b) of draft resolution A/C.3/59/L.29/Rev.1, the position of the main sponsors remained unchanged, her delegation requested that two separate votes be taken, one on paragraph 23 (b) as a whole and the other on the words "corporal punishment" appearing in the second line of paragraph 38 (b), and announced that her delegation would cast a negative vote in both cases.

*Operative paragraph 23 (b)*

62. **Mr. Cardoso** (Brazil), speaking in explanation of the sponsors' vote before the voting, said that, for the reasons already stated, the sponsors would vote in favour of the maintenance of the paragraph and enjoined other delegations to do likewise.

63. *A recorded vote was taken.*

*In favour:*

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Ukraine, United Kingdom, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Against:*

Guyana, Malaysia, Nigeria, Palau, Singapore, United Republic of Tanzania, United States.

*Abstentions:*

Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brunei Darussalam, Congo, Democratic Republic of the Congo, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Myanmar, Oman, Pakistan, Qatar, Republic of Korea, Saint Lucia, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Trinidad and Tobago, Uganda, United Arab Emirates, Yemen.

64. *Operative paragraph (b) was maintained by 123 votes to 7, with 32 abstentions.*

*The words "corporal punishment" in paragraph 38 (b)*

65. **Mr. Cardoso** (Brazil), speaking in explanation of the sponsors' vote before the voting, said that, for reasons already stated, the sponsors would vote in favour of the maintenance of the two words in question and enjoined other delegations to do likewise.

66. *A recorded vote was taken.*

*In favour:*

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Turkey, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe.

*Against:*

Malaysia, Nigeria, Singapore, United Republic of Tanzania.

*Abstentions:*

Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brunei Darussalam, Congo, Democratic Republic of the Congo, Gambia, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kuwait, Lao People's Democratic Republic, Myanmar, Oman, Pakistan, Qatar, Saint Lucia, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Trinidad and Tobago, Uganda, United Arab Emirates, Yemen.

67. *The words "corporal punishment" appearing in operative paragraph 38 (b) were maintained by 130 votes to 4, with 33 abstentions.*

68. **Mr. Degia** (Barbados), speaking in explanation of his delegation's vote on operative paragraphs 23 (b) and 38 (b), said that, contrary to previous years, his country had been unable to join the sponsors of the draft resolution because of its references to corporal punishment, a subject on which the international community was not unanimous. His delegation's abstention did not mean that Barbados disagreed with the draft's general orientation or with the principles it set forth in connection with the promotion and protection of the rights of children.

69. **Mr. Moon Seoung-hyun** (Republic of Korea) said that corporal punishment was not a practice likely to advance the rights of children nor a good means of correcting their behaviour. His delegation considered, however, that corporal punishment in schools could have its uses provided it was practised openly and in a strictly administrative manner. His Government had laid down precise guidelines for teachers in that connection. For that reason, his delegation had abstained from voting on paragraph 23 (b). It had, however, voted in favour of maintaining the words

"corporal punishment" in paragraph 38 (b). The use of such punishment in places of detention was prohibited by law, but there was always a risk that such establishments might not scrupulously observe the rules out of sight of the legal authorities. The Republic of Korea regretted having been unable to join the sponsors of the draft resolution.

70. **Ms. Jo-Phie Tang** (Singapore) said that her country, firmly resolved to discharge the obligations arising from the Convention on the Rights of the Child, had devoted considerable resources to ensuring the health, security and education of children. It was, however, convinced that each sovereign State had the right to decide on the policy it wished to pursue at the domestic level as regards discipline in educational or penal establishments and in the home and on the means it chose to employ in dealing with hooliganism and juvenile delinquency. While respecting the position of countries which took the view that no form of physical punishment should be applied to children, her delegation did not think it appropriate that the international community should regulate the policies of other countries in detail without taking into account the circumstances of each particular society. Singapore had therefore voted against the references to corporal punishment contained in operative paragraphs 23 (b) and 38 (b).

*Draft resolution A/C.3/59/L.29/Rev.1 as a whole*

71. **Mr. Camponovo** (United States of America) expressed appreciation of the interest shown by the United Nations, and particularly the Third Committee, in questions relating to children and of the contributions of other nations and organizations towards the promotion and protection of the rights of the child, The United States, for its part, conducted many multilateral and bilateral activities designed to help children by endeavouring to improve maternal and infant health, to vaccinate children, to fight HIV/AIDS, to train health providers, to improve water supply and sanitation, to educate children and to protect them from the effects of war. Such activities were exercised either directly through United States missions abroad or in partnership with other countries and organizations such as WHO, UNICEF, UNHCR and ICCR, to which the United States made larger contributions than any other country. Furthermore, the United States had ratified both Optional Protocols to the Convention on the Rights of the Child, as well as ILO Convention No. 182 concerning prohibition of the worst forms of child labour and immediate action towards their elimination. Lastly, his country was extremely active within a local framework of child protection that was independent of the Convention.

72. The United States endorsed many of the principles upheld in the draft resolution, in particular operative paragraphs 10 to 13 and 38, although it felt that the text suffered from faults and omissions that should have been rectified. For example, the draft might have been shorter and more focused on specific issues of critical importance for children and on topics not dealt with elsewhere. His delegation would nevertheless vote against the draft resolution because it contained certain terms it could not accept and had asked the sponsors to eliminate. In particular, the Convention was in conflict with parental authority and local United States laws. It was unacceptable that the Convention should constitute the standard for the promotion and protection of the rights of children to the exclusion of other international instruments dealing with the same matters. The United States, because of its federal system, was opposed to any call for the abolition of the death penalty for minors. The terms employed in the draft in connection with the International Criminal Court would gain from being less prescriptive. Lastly, the United States was opposed to any proposal having budgetary implications, in particular the costly proposal to divide the Committee on the Rights of the Child into two chambers.

73. **Ms. Tomar** (India) announced that her delegation would abstain from voting on the draft resolution as a whole. Since the fifty-sixth session of the General Assembly, India had no longer felt able to be a sponsor of the draft resolution on the rights of the child. The reason did not lie in any lessening of interest in the rights of children, which India remained determined to promote and protect. In that connection, it should be noted that the Committee on the Rights of the Child had considered India's second periodic report in January 2004 and that India had adopted a National Children's Charter in February 2004.

74. The Convention on the Rights of the Child, which had 192 States parties, constituted the most comprehensive framework for the protection of those rights. By ruling out any reference to article 4 of the Convention, which dealt with resources and international cooperation, and by refusing to accept a wording that recognized the need for adequate financial

resources in order to ensure children's economic and social rights and to contribute towards the international community's efforts in helping States, especially developing ones, to achieve those goals, the sponsors of the resolution had, during the negotiating process, manifested their lack of transparence and loyalty and their failure to respect the obligations arising from that article.

75. Her delegation had tried to participate actively in the negotiations on the draft resolution with the intention not only to arrive at a collective reaffirmation of the obligations undertaken by Governments but also to open a debate on the question of international cooperation. The sponsors of draft resolution A/C.3/59/L.29/Rev.1 had considerably modified the draft, thus altering a previously agreed wording. Moreover, new ideas had been inserted in the text without sufficient preliminary consultation, for example the proposals in paragraphs 51 (d) and 9, although the point had been made more than once that the General Assembly ought not to give the impression of dictating rules of behaviour to treaty bodies. The insistence of the draft's sponsors on maintaining changes in the draft that failed to command the Committee's full approval was contrary to the desired spirit of consensus. Her delegation further regretted that the sponsors had failed to take account of certain constructive suggestions she had made, for example the inclusion of the wording of paragraph 6 (a) of resolution 58/147 on the rights of the child or the incorporation of the words "in a development perspective" in the preamble.

76. India wished to reaffirm strongly the view that consensus had to be sought among all members of the Committee and not only among a draft resolution's sponsors. In future, it would continue to participate actively in negotiations in order to ensure that the important and legitimate concerns of a number of delegations, including its own, were taken into consideration.

77. *A recorded vote was taken.*

*In favour:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the Former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

*Against:*

Palau, United States of America.

*Abstentions:*

India, Indonesia, Iraq.

78. *Draft resolution A/C.3/59/L.29/Rev.1 as a whole was adopted by 170 votes to 2, with 3 abstentions.*

79. **Mr. Takase** (Japan), speaking in explanation of vote, said that his delegation had voted in favour of the draft resolution because the protection of children at both national and international levels remained one of Japan's major concerns. While appreciating the sponsors' efforts to rationalize the draft, he had been unable to become a co-sponsor by reason of the wording of paragraphs 9 and 51 (c). With regard to the former, his delegation had voted in favour of the amendments proposed in documents A/C.3/59/L.81 and L.83. Aware of the urgent need to find a solution to the problem of the backlog of reports by States members of the Committee on the Rights of the Child, he was not categorically opposed to the idea of dividing the Committee into two chambers. However, he was convinced that the matter should be considered within the framework of a general reform of all treaty bodies faced with similar difficulties. It was questionable whether dealing with the problem on a case-by-case basis and choosing palliatives which increased the financial burden on Member States was the best approach. He hoped that the adoption of the draft resolution did not signify that the methods of work of the Committee on the Rights of the Child would no longer be debated, and regretted that not enough time and information had been available for an in-depth discussion of the financial and operational implications of the new system.

80. As regards paragraph 51 (c), his delegation had supported the amendments in document A/C.3/59/L.81 because of the agreement reached in the Third Committee that the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict should be financed by voluntary contributions. For that reason, Japan found it difficult to agree that the mandate should be funded from the regular budget, as the resolution implied. His delegation wished to see a more transparent, responsible and coherent approach on the part of the Third Committee and hoped that its concerns would be taken into consideration in future, thus enabling it once again to join the sponsors of future resolutions on the item under consideration.

81. **Ms. Jo-Phie Tang** (Singapore), explaining her delegation's position on paragraph 3 of the draft relating to reservations, said that the Vienna Convention on the Law of Treaties, which applied to the Convention on the Rights of the Child as it did to all international treaties, distinguished between authorised and unauthorised reservations and, in its paragraph 19, expressly allowed reservations to be lodged provided they were not incompatible with the object and purpose of the treaty concerned. Furthermore, article 51 (2) of the Convention on the Rights of the Child prohibited only those reservations that were incompatible with the purposes and goals of the Convention. To press States to review their authorised reservations with a view to withdrawing them was therefore inappropriate, since the whole point of reservations was to enable the greatest possible number of States to become parties to international treaties within the shortest possible time while at the same time offering them a certain flexibility with regard to the instrument's implementation in the light of their particular situation. Her delegation was perturbed by the tendency of some delegations to discourage the lodging of reservations, which might dissuade countries from becoming parties to international treaties. If it was deemed that certain obligations could not form the subject of reservations, then the instrument should say so.

82. Her delegation's position, as stated in the present explanation of vote, applied to all similar references to reservations appearing in draft resolutions.

83. Her delegation considered further that, given the importance of the subject matter of the draft resolution just adopted, the text ought not to contain elements other than those commanding a consensus, so as to enable the General Assembly to pronounce itself unequivocally and with a single voice on the questions of the rights of children. The number of separate votes taken on separate parts of the resolution proved that its contents were not unanimously accepted. The Committee had therefore been obliged to go through a whole series of votes, which was most unusual. Her delegation hoped that the situation would not recur in future.

84. **Mr. Xie Bohua** (China) said that his country was traditionally a sponsor of the resolution on the subject of the rights of the child. However, the negotiations on draft resolution A/C.3/59/L.29/Rev.1 had revealed differences of opinion and certain delegations had made positive proposals, which had not been taken into account. The Committee had therefore been obliged to take a series of votes, which was most unusual. His delegation hoped that the situation would not recur.

85. **Ms. Loguzzo** (Argentina), making a general statement, expressed regret that consensus had not been achieved on the text of a draft resolution dealing with what was an issue of common concern and a matter of priority for all countries, as was borne out by the fact that the Convention on the Rights of the Child was among the instruments with the greatest number of ratifications. It would seem, therefore, that a comprehensive resolution covering all questions relating to the protection of children throughout the world ought to command a consensus. Yet the Third Committee had been obliged, after prolonged and difficult negotiations, to take a number of votes, including on paragraphs with regard to whose wording agreement had been reached, a situation due, in particular, to the inclusion in the draft of provisions having financial implications. Her delegation hoped that future draft resolutions on the subject of children's rights would be adopted by consensus.

*Decision on a suggestion by the Chairman*

86. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Committee on the Rights of the Child (A/59/41).

87. *It was so decided.*

88. **The Chairman** stated that the Committee had thus completed the consideration of agenda item 101.

*The meeting rose at 6.20 p.m.*

United Nations A/C.3/59/SR.53

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## Third Committee

**Summary record of the 53rd meeting**
Held at Headquarters, New York, on Wednesday, 24 November 2004, at 10 a.m.

*Chairman*: Mr. Kuchinsky ..... (Ukraine)
*later*: Ms. Groux (Vice-Chairman) ..... (Switzerland)

## Contents

Agenda item 99: Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" (*continued*)

Agenda item 103: Elimination of racism and racial discrimination (*continued*)

Agenda item 105: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

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04-62289 (E)

*The meeting was called to order at 10.25 a.m.*

**Agenda item 99: Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century" (*continued*)**

*Draft resolution on follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, submitted by the Chairman*

1. **Mr. Khane** (Secretary of the Committee) drew attention to page 3 of the Chairman's text, which had been circulated to members. The third footnote should read: A/59/214.

2. **Mr. García González** (El Salvador), rapporteur, said that he had acted as facilitator for the negotiations on the draft resolution. The text would provide an important basis for the work of the Commission on the Status of Women in 2005, the forthcoming tenth anniversary review of the Beijing Declaration and Platform for Action and the five-year review of the twenty-third special session of the General Assembly. It provided a broad and comprehensive vision for the promotion of women and answered the need for additional measures for faster implementation of the Platform for Action.

3. As the consultations had been lengthy, only an advance English version of the draft resolution was available. He hoped that the Committee would be in a position to take action on the draft resolution while awaiting its issuance in all languages.

4. **Mr. Bertoux** (France) said that his delegation attached great importance to multilingualism within the United Nations, but would be willing to work from the English version only, on an exceptional basis.

5. **Ms. Zack** (United States of America), speaking in explanation of position, said that her delegation would join the consensus on the draft resolution. The United States of America was firmly committed to the empowerment of women and the need to promote women's fullest enjoyment of universal rights and fundamental freedoms. It wished to note, in joining consensus, that it was essential to recognize the rights, duties, and responsibilities of parents and other persons legally responsible for adolescents to provide, in a manner consistent with the evolving capacities of the adolescent, appropriate direction and guidance on sexual and reproductive matters, education and other aspects of children's lives for which parents had primary responsibility. It strongly supported a balanced approach to the prevention of HIV/AIDS, such as the ABC Model (Abstinence, Be Faithful and correctly and consistently use Condoms when appropriate). Such an approach could target and balance A, B and C interventions according to the needs of different at-risk populations and the specific circumstances of a particular country confronting the epidemic.

6. Her delegation understood that none of the Beijing Platform for Action or Beijing +5 language constituted support, endorsement or promotion of abortion or the use of abortifacients. It did, however, support the treatment of women who suffered injuries or illnesses caused by legal or illegal abortion, including for example post-abortion care, and did not place such treatment among abortion-related services.

7. The United States fully supported the principle of voluntary choice in family planning and had stated on many occasions that it did not recognize abortion as a method of family planning. The United States did not promote abortion. It understood that the terms "reproductive rights" and "reproductive health services" did not constitute support, endorsement or promotion of abortion or the use of abortifacients. It was the understanding of her delegation that there was international consensus on that point.

8. The United States understood that joining consensus in no way constituted a reaffirmation of language in the Beijing Declaration and Platform for Action, the outcome of the twenty-third special session of the General Assembly or documents referred to therein, which could be used to suggest the creation of new human rights. It also understood that the documents were not intended to and did not create legally binding obligations on States under international law, nor did they indicate a change in its position regarding treaties it had not ratified.

9. The United States did not support quotas. It believed that the best way to guarantee women's involvement in the political process was through legal and policy reforms that ended discrimination against women and promoted equal opportunity. A disadvantage of quotas was that they might promote a

perception that a woman had gained a decision-making position because of gender rather than merit.

10. *The draft resolution was adopted.*

11. **Ms. Kang** (Republic of Korea) said that, from the point of view of the Commission on the Status of Women, the adoption of the resolution was a strong statement in support of its forty-ninth session in March 2005, which would mark the tenth anniversary of the Fourth World Conference on Women.

12. **Ms. Bakker** (Netherlands), speaking on behalf of the European Union, said that it welcomed the adoption of the draft resolution, which sent a strong signal of support for the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly. Those documents were fundamental to the collective responsibility for promoting the rights of women and achieving gender equality. The European Union looked forward to the review of progress at the forty-ninth session of the Commission on the Status of Women, which would provide an opportunity for the international community to renew its commitment to the full implementation of those documents. Their implementation was also essential to the achievement of the Millennium Development Goals, which had made women's empowerment a central concern.

13. **Ms. Dempster** (New Zealand), speaking also on behalf of Australia and Canada, said that the review and appraisal of the Beijing Declaration and Platform for Action would be a time to celebrate progress and once again to bring the rights of women to the world's attention, to raise awareness, to change attitudes and to take the next step. There was no need to negotiate new and expanded standards when so much in the Platform for Action remained to be done.

14. On the occasion of its tenth anniversary, it was important for Member States to reaffirm the Beijing Declaration and Platform for Action without equivocation. The international community had laboured too long over language. All aspects of the Platform were relevant to the challenges all countries faced, and all must reaffirm their commitment to advancing that common agenda. Moreover, it was critical for the rights of women to be at the forefront of the review of the Millennium Development Goals, and she looked forward to practical advice from the Secretary-General on how to work together to ensure that the Platform for Action remained the blueprint for progress.

15. **Mr. Takase** (Japan) said that his Government was fully committed to the implementation of the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly. Steady efforts should continue at the domestic, regional and international levels to advance the status of women and attain a society of true gender equality. His delegation welcomed the adoption of the draft resolution, which would lead to fruitful discussions at the forthcoming session of the Commission on the Status of Women, and took that opportunity to renew its commitment to the full and effective implementation of the goals and objectives of the Fourth World Conference on Women.

**Agenda item 103: Elimination of racism and racial discrimination** (*continued*)

***Draft resolution on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation and follow-up to the Durban Declaration and Programme of Action*** **(A/C.3/59/L.71)**

16. **Mr. Al-Motawa** (Qatar), speaking on behalf of the Group of 77 and China, said that a consensus had been reached during the informal consultations, which had been facilitated by the delegation of South Africa.

17. **Mr. Montwedi** (South Africa) drew attention to the revised text which had been circulated to the Committee. Most of the changes had been made to bring the text into line with General Assembly resolution 58/160, which had been adopted at the previous session. In paragraph 32, the word "by" in the second line should be deleted. In the third line of paragraph 35, the words "in consultation with Member States" should be deleted; in the fourth line, a comma should be inserted after "seminar".

18. **Mr. Khane** (Secretary of the Committee) said that the statement of programme budget implications for the draft resolution had been read out when the text had been introduced. Because of lack of time, it had not been possible for the Budget Division to review the revised text. He therefore reserved the right to supplement the statement of programme budget

implications when the draft resolution was taken up by the General Assembly.

19. **The Chairman** said that the delegation of the United States of America had requested that a recorded vote should be taken on the draft resolution.

20. *A recorded vote was taken on draft resolution A/C.3/59/L.71, as orally revised.*

*In favour*:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Against*:

Israel, United States of America.

*Abstaining*:

Australia, Canada.

21. *Draft resolution A/C.3/59/L.71, as orally revised, was adopted by 175 votes to 2, with 2 abstentions.*

22. **Ms. Ajamay** (Norway), speaking also on behalf of New Zealand in explanation of vote after the voting, said that racism, racial discrimination, xenophobia and related intolerance were among the most important global human rights challenges. There was an urgent need to implement the Durban Declaration and Programme of Action, and her delegation had noted with great satisfaction the broad and active participation in the most recent session of the Inter-Governmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

23. It was essential to base the global fight against racism on a consensus approach. Against that background, Norway and New Zealand expressed their disappointment with the negotiations on the draft resolution, although they were satisfied with the outcome. They looked forward to a more constructive approach at future sessions.

24. **Ms. Kleitman** (Israel) said that her delegation had voted against the draft resolution because it believed that it was in direct opposition to the principles it purported to represent. Israel had always lent its full support to any good faith initiative aimed at eradicating racism, racial discrimination and related forms of intolerance. The history of the Jewish people, replete with the most horrible acts of intolerance and genocide the world had ever known, required no less. Precisely because of that commitment to oppose racism, however, it could not support the outcome of the Durban Conference.

25. The hijacking of the Durban Conference had been disturbing from the perspective of any individual committed to the idea that the international community

must work together to combat racism and racial discrimination. The fact that the Conference had been transformed into a vehicle to isolate and attack Israel had been a subversion of the goodwill of many and a disservice to those who would have benefited from genuine action against racism.

26. What had transpired there represented a serious regression in attempts to erase racism and racial discrimination. Certain delegations and NGOs had used the opportunity to single out one country for slanderous and hateful accusations, and her delegation, along with that of the United States of America, had been compelled to withdraw from the Conference. The Palestinian-Israeli conflict had been repeatedly invoked, despite the fact that it was a political and territorial conflict with no place at a conference dealing with racism. That conflict involved two peoples, both with rights, grievances and responsibilities, and it could only be resolved by a renunciation of violence and a commitment to negotiations based on a spirit of compromise and mutual recognition.

27. Regardless of the Committee's actions, Israel remained dedicated to confronting racism and racial intolerance, and would continue to exert every effort to that end.

28. **Mrs. Belot** (France) said that, even though her delegation had not voted against draft resolution A/C.3/59/L.71, she regretted that revisions had not been distributed in all official languages owing to the last minute nature of consultations.

29. **The Chairman** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/59/375).

30. *It was so decided.*

**Agenda item 105: Human rights questions** (*continued*)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*)

*Draft resolution on human rights and extreme poverty* (A/C.3/59/L.38)

31. **The Chairman** invited the Committee to take action on draft resolution A/C.3/59/L.38 and announced that the following countries had joined in sponsoring the draft resolution: Argentina, Azerbaijan, Bangladesh, Bolivia, Brazil, Cape Verde, Chile, China, Colombia, Costa Rica, Cuba, Dominica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Guinea, the Libyan Arab Jamahiriya, Mexico, Nicaragua, Nigeria, the Niger, Norway, Panama, Papua New Guinea, Paraguay, the Philippines, the Republic of Korea, Senegal, Thailand, Timor-Leste, Ukraine, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam.

32. **Ms. Tincopa** (Peru) read out the following revisions to the draft resolution: in the first preambular paragraph, the words "International Bill of Human Rights" should be replaced by "Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and other human rights instruments adopted by the United Nations"; the second preambular paragraph should be deleted; in the third preambular paragraph, the words "by which [...] (1997-2006)" should be replaced by "in which The First United Nations Decade for the Eradication of Poverty (1997-2006) was proclaimed, as well as 57/211 of 18 December 2002 and its previous ones on human rights and extreme poverty, in which it reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them"; the fourth preambular paragraph should be deleted; in the sixth preambular paragraph, the words "each country" should be replaced by "all countries", the word "its" should be replaced by "their" and the words "the extent and manifestations of extreme poverty" should be replaced by "its extent and manifestations"; in the seventh preambular paragraph, the words "bearing in mind" should be replaced by "recalling" and the word "and"

should be replaced by "as well as"; in the eighth preambular paragraph, the words "meeting of world leaders for action against hunger and poverty, convened on 20 September 2004 by" should be replaced by "World Leaders Meeting for Action against Hunger and Poverty, of 20 September 2004, convened by" and the words "and the resulting New York Declaration," should be deleted; the eleventh preambular paragraph should be replaced by "Reaffirming also that democracy, development and the full and effective enjoyment of human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,"; in the twelfth preambular paragraph, the words "for a period of two years" should be moved to after "extension" and the words "the question of" should be added before the phrase "human rights and extreme poverty"; in paragraph 5, the words "establishment of [...] democratic systems" should be replaced by "design and development of appropriate mechanisms to strengthen and consolidate democratic institutions and governance"; in paragraph 6, the words "contained in the United Nations Millennium Declaration" should be moved to after "commitments" in the first line, the word ", particularly" should be added before "to spare no effort" and the words "United States" should be added between "one" and "dollar"; paragraph 7 should be deleted; paragraph 9 should be replaced by "Welcomes the efforts of entities throughout the United Nations system to incorporate the Millennium Declaration and internationally agreed development goals therein in their work"; and in paragraph 10, the words "submit a report on his activities" should be replaced by "forward his reports which he will submit to the sixty-first and sixty-second sessions of the Commission on Human Rights".

33. She announced that the following countries had joined the sponsors of the draft resolution: Armenia, Belgium, Botswana, Bulgaria, Cameroon, Croatia, Cyprus, the Czech Republic, Denmark, Egypt, France, Germany, Greece, India, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Namibia, Netherlands, New Zealand, Poland, Portugal, Romania, Saint Vincent and the Grenadines, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Tunisia and the United Kingdom of Great Britain and Northern Ireland.

34. The sponsors attached great importance to the proposal for innovative financing mechanisms to combat hunger and poverty (para. 7 alt). However, given that the issue was still being discussed by another commission, and with a view to achieving a consensus, they had decided to withdraw paragraph 7 altogether. She hoped that the revised draft resolution would be adopted without a vote.

35. **The Chairman** announced that the following countries also wished to sponsor the draft resolution, as orally revised: Albania, Andorra, Austria, Belarus, Bosnia and Herzegovina, Burkina Faso, Burundi, Canada, the Central African Republic, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Djibouti, Estonia, Ethiopia, Finland, the Gambia, Georgia, Ghana, Grenada, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Indonesia, Kenya, Kuwait, Lesotho, Liberia, Liechtenstein, Madagascar, Malawi, Mali, Mauritania, Mauritius, Monaco, Mongolia, Morocco, Mozambique, Nepal, the Republic of Moldova, Rwanda, Saint Lucia, San Marino, Serbia and Montenegro, Somalia, South Africa, Sri Lanka, the Sudan, Swaziland, Switzerland, Togo and Zambia. The draft resolution contained no programme budget implications.

36. *Draft resolution A/C.3/59/L.38, as orally revised, was adopted without a vote.*

37. **Ms. Zack** (United States of America) said that, even though her delegation had joined consensus on the draft resolution, it was concerned that the resolution did not adequately reflect the fact that respect for human rights in itself was an important tool in fighting extreme poverty. The divide between wealth and poverty was a challenge at the national and international levels. The advance of development was a central commitment of her Government's foreign policy, but must be accompanied by good governance, sound economic policies, measures to root out corruption and respect for human rights and the rule of law. With the world's help and the right policies, citizens in the developing world could — and should — live under Governments that provided basic services and protected basic rights. There was no better way to address extreme poverty.

38. **Ms. García-Matos** (Bolivarian Republic of Venezuela) drew attention to the artificial distinction between "poverty" and "extreme poverty", which seemed to imply that they would be tackled differently.

*Draft resolution on the protection of human rights and fundamental freedoms while countering terrorism* (A/C.3/59/L.44)

39. **The Chairman** invited the Committee to take action on draft resolution A/C.3/59/L.44, which contained no programme budget implications. The following countries had joined in sponsoring the draft resolution: Bulgaria, Croatia, Ecuador, Iceland, Madagascar, Malawi, Monaco, New Zealand, Romania, Spain, the former Yugoslav Republic of Macedonia and Ukraine.

40. **Mr. Gómez Robledo** (Mexico) announced that Armenia, Bolivia, Egypt, Japan and Paraguay had also become sponsors of the draft resolution. He read out the following revisions to the draft resolution: in the third preambular paragraph, the words "and deploring violations of human rights and fundamental freedoms in the context of the fight against terrorism," should be added after "persons,"; a new fifth preambular paragraph should be added to read "Noting the declarations, statements and recommendations by a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,"; in the original fifth preambular paragraph, the words "and other relevant resolutions of the General Assembly and the Commission on Human Rights" should be added at the end of the paragraph; the original ninth and twelfth preambular paragraphs should be deleted; in paragraph 2, the words "also that" should be replaced by "the obligation of", the words "are under the obligation" and "as stated in [...] 24 July 2001" should be deleted and a new footnote reading "See e.g. General Comment No. 29 on states of emergency adopted by the Human Rights Committee of 24 July 2001" should be added after "derogations"; in paragraph 5, the words "which concludes [...] integrated way" should be deleted; in paragraph 6, the words "the provisions established therein," should be replaced by "its content"; in paragraph 8, the words "encourages them" should be added before "to coordinate" and the words "as appropriate" should be replaced by "where appropriate"; in paragraph 10, the word "Welcomes" should be replaced by "Notes with appreciation", the words "by the Commission on Human Rights" and "question of" should be deleted, and the words "pursuant to resolution 2004/87 of the Commission on Human Rights," should be added after "countering terrorism,"; and in paragraph 12, the words "to finalize [...] General Assembly" should be replaced by "to take into account the debate held at the fifty-ninth regular session of the General Assembly, in the finalization of the report mandated by Commission on Human Rights resolution 2004/87, for its presentation through the High Commissioner to the sixty-first session of the Commission".

41. He hoped that the draft resolution would be adopted without a vote.

42. **The Chairman** announced that the following countries wished to sponsor the draft resolution: Albania, Bosnia and Herzegovina, Costa Rica, Grenada, Honduras, Jordan, the Republic of Moldova, Saint Vincent and the Grenadines, Serbia and Montenegro, the Sudan and Venezuela (Bolivarian Republic of).

43. *Draft resolution A/C.3/59/L.44, as orally revised, was adopted without a vote.*

44. **Ms. Moore** (United States of America) said that her country was pleased to join consensus on the draft resolution and that it attached great importance to protecting human rights and fundamental freedoms while countering terrorism, as recently demonstrated by its actions to investigate and bring to justice those persons in her Government, including the military, who violated United States law while countering terrorism. Radicalism and terror must be fought with justice and dignity to achieve a true peace founded on human freedom. Her country called on all States and organizations to consider how they could improve their contribution to the fight against terrorism, and called on States who had not done so to join the relevant international terrorism instruments and to seek assistance, as necessary, from the United Nations Terrorism Prevention Branch. The global fight against terrorism could be won only with the cooperation of all Member States.

45. **Mr. Toro Jiménez** (Bolivarian Republic of Venezuela) said that, just one week before and for the first time in its history, his country had witnessed the political assassination, by a terrorist bomb, of a high-level official of the Public Prosecutor's Office, who had been conducting a criminal investigation into a number of subversive attacks against the Republic and its new democratic institutions in 2003. In that regard, the National Assembly was currently drafting a law on terrorism.

*Draft resolution on the protection of migrants* (A/C.3/59/L.51)

46. **The Chairman** invited the Committee to take action on draft resolution A/C.3/59/L.51, which contained no programme budget implications. He announced that the following countries had joined in sponsoring the draft resolution: Argentina, Bangladesh, Brazil, Colombia, Ecuador, Guatemala, Mali, Paraguay, the Philippines, Senegal, Tunisia and Uruguay.

47. **Ms. Olivera** (Mexico) said that Armenia, the Niger and the Bolivarian Republic of Venezuela also wished to sponsor the draft resolution. She drew attention to the following revisions: in the fourth preambular paragraph, the words "that the rights [...] subject to its jurisdiction" should be replaced by "to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant"; in the seventh and fifteenth preambular paragraphs, the words "and members of their families" should be deleted; in the ninth preambular paragraph, the words "Welcoming also" should be replaced by "Taking note with appreciation of" and the words "as well as [...] contained therein" should be replaced by "especially the work she has undertaken on the human rights of migrants, and taking note of her conclusions and recommendations"; in the tenth preambular paragraph, the words "in the case of foreign nationals detained by the authorities of a receiving State," should be deleted; in the eleventh preambular paragraph, the words "in which the Court [...] probably a foreign national" should be replaced by "and recalling the obligations of States reaffirmed therein"; in the twelfth preambular paragraph, the words "on the juridical condition [...] including those concerning migrants" should be replaced by "on The Juridical Condition and Rights of Undocumented Migrants"; in the eighteenth preambular paragraph, the word "resolving" should be replaced by "resolved"; in paragraph 3, the words "norms and standards" should be deleted; in paragraph 4, the word "growing" should be replaced by "increasing"; in paragraph 5, the word "Also" at the beginning of the paragraph should be deleted; in paragraph 6, the words "any form of" should be replaced by "arrest," and the words "accorded to him or her" should be deleted; in paragraph 7, the words "implement fully [...] protection of" should be replaced by "promote and protect fully" and the word "as" should be added after "migrants"; in paragraph 8, the word "also" should be added at the beginning of the paragraph; in paragraph 12, the word "including" should be replaced by "and to take actions to prevent and punish any form of illegal deprivation of liberty of migrants"; in paragraph 15, the words "which should take into account [...] any form of" should be replaced by "recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may include" and the word "them" should be replaced by "Member States"; in paragraph 18, the words "and promote" should be added before "all human rights"; in paragraph 21, the words "react promptly [...] to visit them" should be replaced by "respond appropriately and expeditiously to her urgent appeals and to give serious consideration to her requests to visit their countries, and welcomes in this regard the standing invitations extended by some Member States to all special procedures, including the Special Rapporteur"; in paragraph 22, the words "take the necessary measures [...] Special Rapporteur" should be replaced by "review and examine the conclusions and recommendations of the Special Rapporteur's report, and to consider their implementation"; in paragraph 23, the words "Calls upon" should be replaced by "Invites"; and in paragraph 25, the words ", as a matter of priority," should be deleted.

48. **Mr. Khane** (Secretary of the Committee) announced that Bolivia, Côte d'Ivoire, the Gambia, Ghana, Grenada, Kyrgyzstan, Morocco, Nicaragua, Nigeria, Somalia, Sri Lanka, the Sudan and Togo had joined the sponsors of the draft resolution.

49. *Draft resolution A/C.3/59/L.51, as orally revised, was adopted without a vote.*

50. **Ms. Moore** (United States of America), explaining her delegation's position, said that the United States had joined the consensus on the resolution after substantial negotiations. The United States had always drawn strength from those who came to it from every country of the world, whether as visitors or as permanent residents. It welcomed legal immigrants and properly documented temporary visitors, including workers and students. Moreover, more than 1 million of its own citizens lived and worked in other countries, contributing to the global economy. It urged its citizens to observe all local laws when moving to or working in other countries, and encouraged the citizens of other countries to do the same in the United States. Legal migration was, and

would continue to be, an important force for progress in the world.

51. **Ms. Chan** (Singapore) said that her country took the welfare of migrants extremely seriously, and that migrants to Singapore, whether permanent or temporary, enjoyed the same legal protection as Singapore citizens. However, Singapore did require that migrants enter its territory through legal channels. Those who did not do so were regarded as illegal immigrants, and were treated as such in accordance with Singapore's domestic legislation. Singapore continued to believe that immigration policies were a matter for each State's sovereign jurisdiction, and that it was therefore inappropriate for General Assembly resolutions to call on States to review their immigration policies. Singapore was willing to join the consensus on the draft resolution, in a spirit of cooperation, but reserved the right to reconsider its position in the future. Its position applied to any other resolution that might impinge on States' rights to define their own immigration policies.

*Draft resolution on the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities* (A/C.3/59/L.58)

52. **The Chairman** invited the Secretary of the Committee to make a statement regarding financial provisions relating to the draft resolution.

53. **Mr. Khane** (Secretary of the Committee), drawing the Committee's attention to paragraphs 5, 6, 7, 8 and 11 of the draft resolution, said that, in accordance with paragraph 5 of the draft resolution, the Ad Hoc Committee would hold two sessions at United Nations Headquarters in 2005: a fifth session, from 24 January to 4 February, and a sixth session, from 15 to 26 August. The respective conference-servicing requirements for the two sessions were estimated to be $450,000 and $509,400, at full cost, which would be accommodated within available resources.

54. *Ms. Groux (Switzerland), Vice-Chairman, took the Chair.*

55. **The Chairman** announced that Argentina, Burkina Faso, Cameroon, Congo, Democratic Republic of the Congo, Gabon, the Gambia, Grenada, Guinea, Honduras, Libyan Arab Jamahiriya, Mali, Nicaragua, Panama, Republic of Korea, Republic of Moldova, Senegal, Sierra Leone, Thailand, Timor-Leste, Trinidad and Tobago, and Uruguay had joined the sponsors of the draft resolution.

56. **Ms. Olivera** (Mexico) announced that Austria, Belgium, Brazil, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Jordan, Kenya, Lithuania, Luxembourg, Malta, Mauritius, Namibia, Netherlands, New Zealand, Norway, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Saint Vincent and the Grenadines, Slovakia, Slovenia, South Africa, Sweden, the former Yugoslav Republic of Macedonia, Ukraine and United Kingdom had joined the sponsors of the draft resolution. She drew the attention of the Committee to the revisions made to the draft resolution, which were contained in document A/C.3/59/L.58/Rev.1.

57. **The Chairman** announced that Albania, Algeria, Andorra, Australia, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Central African Republic, China, Colombia, Côte d'Ivoire, Egypt, Equatorial Guinea, Eritrea, Estonia, Georgia, Ghana, Guinea, Iceland, Israel, Jamaica, Latvia, Liechtenstein, Lebanon, Liberia, Morocco, Nigeria, Romania, Serbia and Montenegro, Spain, Switzerland and Togo had also become sponsors.

58. *Draft resolution A/C.3/59/L.58, as orally revised, was adopted without a vote.*

59. **Mr. Hof** (Netherlands), speaking on behalf of the European Union, said that the European Union wished to reaffirm its commitment to the elaboration of an international convention, which would help shape international opinion and would be an agent for change over the coming years. The convention must be enforceable and realistic in order to ensure the widest possible degree of ownership and the most extensive possible ratification and adherence. It was the responsibility of the sponsors to present to the General Assembly a draft convention that took into account the highest international human rights standards.

60. **Mr. Ballestero** (Costa Rica) said that his delegation set particular store by the draft resolution and the efforts of the international community to draft a convention on the rights of persons with disabilities. The adoption of the draft resolution through consensus and the large number of sponsors involved demonstrated the commitment and desire of the international community to ensure that the convention could be put into practice as soon as possible and to

ensure that the convention was both of a high quality and realistic.

*Draft resolution on enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy, and amendments thereto* (A/C.3/59/L.62 and A/C.3/59/L.77)

61. **The Chairman** drew the attention of the Committee to the proposed amendments to the draft resolution contained in document A/C.3/59/L.77. She announced that Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Rwanda, Serbia and Montenegro, Slovakia, Sweden, the former Yugoslav Republic of Macedonia, Turkey and Ukraine had joined the sponsors of the draft resolution.

62. **Mr. Stamate** (Romania), introducing the draft resolution on behalf of the sponsors, announced that Albania, Armenia, Australia, the Dominican Republic, Estonia, Iceland, India, Mexico, New Zealand, San Marino, Spain, Switzerland and Uruguay had also become sponsors. Following consultations with a number of delegations, further amendments had been made to the text of draft resolution A/C.3/59/L.62. Three new preambular paragraphs had been added. New preambular paragraph 1 would read: "*Reaffirming* the purposes and principles of the Charter of the United Nations;" new preambular paragraph 3 would read "*Recalling* that all peoples have the right to self-determination by virtue of which they can freely determine their political status, and freely pursue their economic, social and cultural development;" and new preambular paragraph 4 would read: "*Reaffirming* our resolve, expressed, inter alia, in the United Nations Millennium Declaration to implement the principles and practices of democracy and recognizing the diverse nature of the community of the world's democracies". The remaining preambular paragraphs would be renumbered accordingly.

63. The new preambular paragraphs contained agreed language from preambular paragraphs 1, 4 and 7 of General Assembly resolution 55/96 and paragraph 25 of the Millennium Declaration, slightly modified. He drew the Committee's attention to paragraph 8 of the draft resolution, from which the word "relevant" would be deleted, and to paragraph 10, from which all text following the words "democratic institutions" would also be deleted. The sponsors had been unable to accept any more amendments and found no reason to resort to language of condemnation, since the resolution called for cooperation. His delegation urged other delegations to vote in favour of the draft resolution as amended by the main sponsors, and to decline to support any other amendments not endorsed by them.

64. **Mr. Cumberbatch Miguén** (Cuba) said that in the wake of the changes made by the main sponsors of the draft resolution (A/C.3/59/L.62), his delegation wished to maintain only the fourth amendment proposed in document A/C.3/59/L.77 but, instead of replacing operative paragraph 5, the suggested text should be included in the draft resolution as an additional operative paragraph 5 bis.

65. **Mr. Stamate** (Romania) said that when drafting the resolution, the sponsors had been guided by the principles of innovation, brevity, lack of repetition and relevance. The amendment proposed by Cuba was relevant as it echoed paragraph 8 of the Vienna Declaration and Programme of Action. The sponsors were prepared to accept the amendment provided that it reproduced the whole of that paragraph. To that end, the amendment should therefore be supplemented by the sentence "The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world."

66. **Mr. Cumberbatch Miguén** (Cuba) said that his delegation would accept the proposed sub-amendment, but it requested a recorded vote on the draft resolution as a whole, as orally amended.

67. Speaking in explanation of vote before the voting, he said that despite the flexibility and constructive spirit which had permitted the inclusion of substantive amendments in the draft resolution, numerous remaining concerns had prompted his delegation's request for a recorded vote. As it stood, the draft resolution was imbalanced in the way it defined which societies, or nations, were deemed to be democratic. Instead of democracy becoming a reality for all, it was being turned into a dogma. By focusing on the structural aspects of the political set-up, the text stymied the right of peoples to self-determination and, since it made no reference to that right, paragraph 1

even denied it. Nor did the draft resolution mention the achievement of economic, social and cultural rights or social justice, although those factors strongly influenced the realization of democracy. That shortcoming was all the more counterproductive in the light of the wording in paragraph 10 referring to the collective defence of democracy, where it was implied that "democratic intervention" was needed in addition to humanitarian intervention. The history of the peoples of the Third World, especially those in Latin America, was a sorry illustration of that approach.

68. Furthermore, the draft resolution encouraged certain regional and subregional organizations to mobilize support from States which agreed with the highly interventionist agenda shared by the main sponsors of the draft resolution and by various bodies of the United Nations, first and foremost the Office of the High Commissioner for Human Rights. His Government had no reason to be ashamed of its human rights record or of its genuinely constructive cooperation with many regional and subregional organizations. Any attempt to exert pressure on the Cuban people and negate its decision to choose its own economic, political and social system would meet with staunch opposition.

69. **Mr. Toro Jiménez** (Bolivarian Republic of Venezuela) said that his delegation would abstain, because both the interpretation and the usage of the concepts and terms employed in the draft resolution were ambiguous and, in practice, could lead to undesired effects incompatible with fundamental provisions of his country's constitution.

70. *A recorded vote was taken.*

*In favour*:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Yemen.

*Against*:

None.

*Abstaining*:

Belarus, Bhutan, Burkina Faso, China, Cuba, Democratic People's Republic of Korea, Grenada, Guinea-Bissau, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Saudi Arabia, Syrian Arab Republic, Turkmenistan, Uganda, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

71. *Draft resolution A/C.3/59/L.62, as orally amended, was adopted by 161 votes to none, with 20 abstentions.*

72. **Mr. Elbadri** (Egypt), said that his delegation had voted in favour of the draft resolution because the sponsors had accommodated some crucial concerns in a way which left the basic universal tenets of democracy untouched. They had included a reference

to certain principles and rights, such as the right of self-determination, which implied the right of all peoples to be free and to pursue their destiny in the manner they thought fit. Such principles provided a moral compass in the stormy seas of politics. His delegation had supported the amendment in the belief that freedom was indivisible and that it constituted the essence of democracy. Locke's dictum that man must be free to will was reflected in the resolution, from which controversial terms and references had been deleted. The resultant text unequivocally upheld all the basic principles and purposes of the Charter of the United Nations.

73. **Ms. Li** Xiaomei (China) said that her delegation had abstained because it believed that, while promoting and consolidating democracy was of great importance to all the countries of the world, the rich diversity of democratic systems sprang from different social, cultural and religious traditions. Although dissimilar democratic systems had a common denominator, they had no fixed pattern. The foundation of democracy was that people could express their wishes and determine their economic, social and political system by their own free will.

74. **Mr. Taranda** (Belarus) said that his delegation had abstained because, although it was in favour of constructive dialogue on an equal footing in regional and subregional organizations, it felt that some paragraphs of the draft resolution lacked the requisite balance.

75. **Ms. Astanah Bahu** (Malaysia) said that her Government supported the general thrust of the text of the draft resolution. In the spirit of the revitalization of the Third Committee's work, her delegation had not, however, initially been in favour of tabling that draft resolution of the Commission on Human Rights in the Third Committee. Reassurances had been given that such a resolution would not be submitted to the Committee in the future and it was only on that understanding that her delegation had agreed to the text being submitted at the current session.

76. **Mr. Manis** (Sudan) said that his delegation had voted in favour of the draft resolution, since it was convinced that human rights, democracy and the right to development were indivisible, interdependent issues. There was no single recipe for democracy which could be applied to all States. The differences and diversity of peoples' and countries' cultures enriched mankind's civilization.

77. **The Chairman** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/59/422), the report of the Secretary-General on human rights and unilateral coercive measures (A/59/436), the note by the Secretary-General on the elimination of all forms of religious intolerance (A/59/366), the report of the Secretary-General on the right to development (A/59/255), the report of the Secretary-General on the protection of migrants (A/59/328), the report of the Secretary-General on the Subregional Centre for Human Rights and Democracy in Central Africa (A/59/403), the note by the Secretary-General transmitting the report of the Special Representative of the Secretary-General on human rights defenders (A/59/401), the report of the Secretary-General on the strengthening of the rule of law (A/59/402), the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants (A/59/377) and the report of the Secretary-General on Khmer Rouge trials (A/59/432).

78. *It was so decided.*

79. **Ms. Davtyan** (Armenia) drew the Committee's attention to the letter from the Permanent Representative of Armenia to the Secretary-General concerning the report of the Secretary-General on human rights and unilateral coercive measures (A/59/436), which had been circulated under agenda item 105 (b).

*The meeting rose at 12.55 p.m.*

United Nations A/C.3/59/SR.54

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## Third Committee

**Summary record of the 54th meeting**
Held at Headquarters, New York, on Wednesday, 24 November 2004, at 3 p.m.

*Chairman:* Mr. Kuchinsky ..... (Ukraine)

## Contents

Agenda item 105 : Human rights questions *(continued)*

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)*

(e) Report of the United Nations High Commissioner for Human Rights *(continued)*

Revitalization of the work of the Third Committee

Programme of work for the Third Committee at the sixtieth session

Achievements of the work of the Third Committee

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04-62301 (E)

*The meeting was called to order at 3.15 p.m.*

**Agenda item 105: Human rights questions** *(continued)*

**(c) Human rights situations and reports of special rapporteurs and representatives** *(continued)* (A/C.3/59/L.46, A/C.3/59/L.48* and A/C.3/59/L.54)

*Draft resolution A/C.3/59/L.46 : Situation of human rights in Zimbabwe.*

1. **The Chairman** announced that the draft resolution had no programme budget implications, and that Iceland and Turkey had become sponsors.

2. **Mr. van den Berg** (Netherlands), speaking on behalf of the European Union, said that the human rights situation in Zimbabwe this year clearly justified its status as the subject of the proposed draft resolution. The text had been formulated in a balanced way and had taken account of the difficult situation the country was in.

3. **Mr. Montwedi** (South Africa), speaking on a point of order in his capacity as coordinator of the Group of African States, officially moved to adjourn debate on the draft resolution, in accordance with Article 116 of the Internal Regulations of the General Assembly. The African group rejected the way the multilateral institutions of the United Nations were being diverted for the purposes of settling bilateral disputes. It also deplored the double standards applied by the European Union, which gave the impression that human rights violations only occurred in developing countries. This was a direct affront to the integrity of African political leadership. The intransigent nature of country-specific resolutions made them counterproductive, and they were contrary to the spirit of cooperation that was essential in resolving human rights problems in different countries.

4. **Mr. Choi** (Australia), raising a point of order, said that as South Africa had moved to adjourn debate on the draft resolution, invoking Article 116 of the Internal Regulations of the General Assembly, application of the said article required that a vote be immediately taken on the motion. The South African delegation should not therefore be making a general statement.

5. **Mr. Montwedi** (South Africa), having been given leave by the Chairman to continue his justification for the adjournment proposal, stated that by presenting such a conflictive text, the European Union was merely naming and shaming developing countries. It had also succeeded in corrupting the spirit of the Commission on Human Rights and the Third Committee, and had derailed the latter from its mandate to cooperate constructively with States in order to eliminate human rights violations. The confrontational approach adopted by the European Union to further its political aims could obviously only serve to divert the Committee from its noble purpose. Lastly, by acting in this way, the European Union had also clearly revealed the existence of a policy of double standards by targeting developing countries only.

6. The Group of African States believed that the adoption of resolutions focusing on the human rights situation in a specific country, such as those sponsored by the European Union and their developed-country partners, represented the greatest possible risk the Commission on Human Rights could run in exercising its mandate. With the draft resolution on Zimbabwe, the European Union had once again perverted work devoted to human rights, in an attempt to justify the disrespect shown by certain of its members for the bilateral agreements they had concluded or the obligations that were incumbent upon them. As the countries of the group believed that the problems listed in the draft resolution should be resolved on a bilateral basis by the countries concerned, they rejected the proposed text in its entirety, in keeping with the position they had adopted in the last three meetings of the Commission on Human Rights, during which the European Union had made three unsuccessful attempts to get a similar text adopted.

7. **Mr. Cumberbach Miguén** (Cuba) announced that the Cuban delegation would vote in favour of the adjournment motion, in keeping with its policy of support for the African nations, since country-specific draft resolutions were of little use, and could only aggravate the confrontation between developed and third-world countries on the issue of human rights. Those who had tolerated and sustained the apartheid regime in southern Africa, and had bequeathed as a sad

heritage the problem of inequitable land distribution in Zimbabwe, had no right to pose as judges now.

8. **Ms. Astanah Banu** (Malaysia), recalled that, following their third summit in Kuala Lumpur and the fourteenth ministerial conference held in Durban (South Africa), member countries of the Non-Aligned Movement had argued that human rights questions should be addressed globally and through constructive dialogue, without interference in the internal affairs of individual States, and taking account of the multiple political, historical, social, religious and cultural components of each country. It was deplorable that certain States continued to pose as self-proclaimed defenders of human rights in the world, while adopting a selective approach that was clearly politically motivated. She therefore felt bound to vote in favour of the motion proposed by South Africa.

9. **Mr. Choi** (Australia), bitterly regretting that an adjournment motion had been proposed, reiterated his delegation's view that any text submitted to the Third Committee should be discussed and lead to a decision, and that delegations should be able to state their points of view on the substance of any text proposed. Australia was therefore opposed to any adjournment motion as a matter of principle. With regard to questions raised by certain parties as to the partiality and selectivity of country-specific texts, the Australian delegation preferred to stress the gravity of the human rights situation in Zimbabwe, which urgently required the Commission's attention and justified the delegations' spending time debating it. The speaker drew attention to the policies pursued by the Zimbabwean authorities, which continued to impoverish the population, and the fact that it was still impossible to hold free and fair elections in Zimbabwe, because of the restrictions imposed on freedom of opinion and expression. He emphasized that there was irrefutable evidence of persecution, and that acts of intimidation and torture had been perpetrated against opponents of the regime. In view of this situation, any obstacle placed in the way of examining the issue in its proper perspective, would reduce the role and mandate of the Third Committee to naught. The speaker announced that Australia would therefore vote against the adjournment motion, and called on other delegations to do likewise.

10. **Mr. van den Berg** (Netherlands), speaking on behalf of the European Union, said firstly that member countries of the Union tended on principle to vote against any motion to adjourn debate on an agenda item, since no country whatsoever should be able to evade an examination of its human rights situation by the international mechanisms established to protect such rights.

11. Referring to the second, third, and fourth lines of the preamble, and paragraphs 2, 3 and 5 of the draft resolution, the speaker said that nothing could excuse the serious violations that had occurred in Zimbabwe. It was therefore important to debate the text of the draft, if only to send a message to Zimbabwean civil society that the international community was aware of its distress and was concerned about it.

12. Adoption of the proposed adjournment motion would once again undermine the principles of transparency and freedom of expression that were essential to the Committee's work, and at the very least hinder examination of the elements contained in the resolution. Following the reverse suffered in April 2004 before the Commission on Human Rights, the representative of the Netherlands said that it was even more important that the Third Committee should debate all draft resolutions brought before it, without exception and in their proper perspective. He concluded by calling on delegations, regardless of how they intended to vote on the text of the draft as such, to vote against a motion to adjourn debate that could only jeopardize the spirit of dialogue that everyone supported.

13. *A recorded vote was taken on the motion to adjourn debate on the draft resolution.*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chad, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mozambique, Myanmar,

Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Vietnam, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia-Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palaos, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Abstaining:*

Brazil, Colombia, Grenada, Honduras, Jamaica, Mongolia, Papua New Guinea, Saint Vincent and the Grenadines, Trinidad and Tobago.

14. *The motion to adjourn debate on the draft resolution was adopted by 92 votes to 72, with 9 abstentions.*

*Draft resolution A/C.3/59/L.48* : Situation of human rights in Sudan*

15. **The Chairman** announced that the draft resolution had no programme budget implications, and that Japan, Liechtenstein and Monaco had joined as sponsors. Moldova, however, had asked to be withdrawn from the list of sponsors.

16. **Mr. van den Berg** (Netherlands), speaking on behalf of the European Union, said that the human rights situation in Sudan merited consideration by the Third Committee.

17. **Mr. Montwedi** (South Africa), speaking on a point of order in his capacity as coordinator of the Group of African States, officially moved to adjourn debate on the draft resolution, in accordance with Article 116 of the Internal Regulations of the General Assembly. He made clear that the Group did not seek to deny the existence of human rights violations on the African continent, but merely to counter the double standards employed by the European Union. Through this motion, like the previous one on draft resolution A/C.3/59/L.46 concerning Zimbabwe, the Group was reiterating its outright rejection of any country-specific resolution, which contributed nothing to the spirit of cooperation that should always motivate the work of the United Nations. Such texts did nothing to foster cooperation from the countries targeted, which was crucial if the aim was to solve human rights problems, and they only served to exacerbate existing tensions. In view of the initiatives currently underway in Sudan, the Group saw absolutely no reason to burden the Committee with a preventive text such as that contained in the draft resolution, and that the sponsors, motivated by a spirit of hostility, were seriously undermining not only the top-level structures of the African continent, but also international mechanisms tasked with find a lasting solution for Sudan. The wording of the draft resolution showed that the sponsors were questioning the capacities and integrity of mechanisms currently operating in Sudan, before these had even submitted their first report. Referring to the meeting of the Security Council held in Nairobi during the previous week, and the signing of a memorandum of understanding between the Sudanese Government and Popular Liberation Movement of Sudan, committing the two parties to conclude and sign a comprehensive peace agreement by 31 December 2004, and noting their willingness to cooperate, the speaker claimed that the European Union was nullifying these efforts through its draft resolution.

18. **Ms. Faye** (Senegal) stated that she fully supported the adjournment motion proposed by the South African delegation.

19. **Ms. Astanah Banu** (Malaysia), again referred to the declarations made by Heads of State and Government of the non-aligned countries to the effect

that "Human rights issues should be addressed globally and in a constructive manner, based on dialogue and guided by principles of objectivity, respect for national sovereignty and territorial integrity, non-interference in the internal affairs of States, impartiality, non-selectivity and transparency"; and that "human rights should not be exploited for political purposes, for example by targeting certain countries on a selective basis, sometimes motivated by considerations other than human rights, contrary to the aims and principles of the United Nations Charter." She stated that her delegation was opposed to any draft resolution that was country-specific, and announced that she would therefore support the motion by the Group of African countries to adjourn debate on the draft resolution.

20. **Mr. Scott** (United States of America) said that, unless the international community was united in its actions to resolve problems in Sudan, the Sudanese population would continue to suffer.

21. Referring to the commitment made by the warring parties, at the aforementioned Nairobi meeting, to end the conflict between the north and south of Sudan by 31 December 2004, he noted that while the international community had promised support for the country, it had also called for an immediate cessation of the atrocities being committed in Darfur. The American delegation therefore believed that by refusing to debate the draft resolution on Sudan and the human rights situation in that country, the Third Committee would be revealed as weak and lacking in vision, and it would also be taking risks. This would be further evidence of an indefensible parochialism, following the adoption by the Commission on Human Rights at its annual meeting in the spring of 2004 of a resolution on Sudan whose timorous text failed to vigorously denounce the most egregious human rights violations in the world today, and Sudan's re-election to the Commission on Human Rights in May 2004, against which the United States had protested by walking out of the meeting of the Economic and Social Council. By failing, for a third time, to present a united front against atrocities that were known to have been committed in Darfur, the international community would be signalling the complete breakdown of the United Nations deliberative bodies responsible for protecting human rights. In contrast, over the last two months alone, the Security Council had achieved a peace accord, exerted constant pressure on the warring parties, and set up a commission of inquiry to investigate human rights violations.

22. In its conviction that the adoption of a motion to adjourn debate on the draft resolution ran the risk of aborting ongoing processes to restore peace to Sudan, and that responsible nations could not stay silent but had to act when their neighbours were not only repressing freedom, but actually indulging in a crime against humanity, the United States appealed to all who placed any value on human rights to vote against such a motion.

23. **Mr. van den Berg** (Netherlands), speaking on behalf of the European Union, repeated that no country, large or small, could exempt themselves from surveillance by international mechanisms for the defence of human rights. The motion to adjourn debate on the draft resolution would be nothing less than an attempt to evade such vigilance. The European Union was convinced of the need to focus on the human rights situation in Sudan, as it had made clear on numerous occasions in the Third Committee, particularly during the fifty-seventh session of the General Assembly.

24. After referring to paragraph 2 (a), (b) and (c), paragraph 3 (b), and paragraph 4 (a) of the draft resolution, the speaker said that as the General Assembly was the only United Nations body of universal composition concerned with human rights, it had an obligation to address the most serious human rights situations, including those taking place in Sudan, and it consequently had a duty to examine any text brought before it on the subject.

25. On the issue of strengthening the role of the General Assembly vis-à-vis the Security Council in the framework of reform of the Organization, the speaker remarked that just because the Security Council was concerned about the situation in Sudan, as it should be in its capacity as the leading United Nations body with responsibility for peace and security issues, this should not prevent the Assembly from expressing itself on the human rights situation in Darfur and in Sudan. He therefore appealed to delegations to vote against the motion to adjourn debate, partly on principle, but also to prevent the General Assembly from becoming irrelevant.

26. *A recorded vote was taken on the motion to adjourn debate on the draft resolution.*

*In favour:*

Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chad, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Mozambique, Myanmar, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Vietnam, Yemen, Zambia, Zimbabwe.

*Against:*

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia-Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kyrgyzstan, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palaos, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor Leste, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Abstaining:*

Belize, Brazil, Colombia, Grenada, Honduras, Jamaica, Lesotho, Liberia, Namibia, Saint Vincent and the Grenadines, Trinidad and Tobago.

27. *The motion to adjourn debate on the draft resolution was adopted by 91 votes to 74, with 11 abstentions.*

*Draft Resolution A/C.3/59/L.54 : Situation of human rights in the Democratic Republic of the Congo*

28. **The Chairman** announced that the draft resolution had no programme budget implications, and that the Republic of Moldova had asked to be withdrawn from the list of sponsors.

29. **Ms. Bakker** (Netherlands), speaking on behalf of the European Union and all sponsors of the draft resolution, announced that Albania and Liechtenstein were joining as sponsors. She then read out the amendments made to draft resolution A/C.3/59/L.54, following consultations held in an amicable climate of mutual respect. Such amendments proved that it was possible to reach consensus on a country-specific draft resolution. The representative from the Netherlands regretted that it had not been possible to take the concerns expressed by certain delegations more fully into account, notably as regards the preamble of the text, and that a consensus had not been reached. She recalled that following the presentation of the draft resolution, the European Union had taken the view that in view of the serious human rights violations committed in the Democratic Republic of the Congo, especially in the eastern part of the country, on which the Independent Expert had reported to the Third Committee, the international community could not remain silent. The draft resolution was testimony both to the concern of the international community and to its support for the ongoing process.

30. **Ms. Zack** (United States of America) proposed an amendment to paragraph 7 (g) of draft resolution A/C.3/59/L.54, in relation to the International Criminal Court, i.e. paragraph 6 (g) of the revised text. The amended paragraph would read as follows:

"To hold those who are responsible for violations of human rights and international humanitarian law, and for crimes against humanity, accountable for their

actions before the competent national and international judicial mechanisms."

31. **Ms. Dakker** (Netherlands) stated that the European Union and the sponsors of the draft resolution were fervent supporters of the International Criminal Court and of cooperation between the Democratic Republic of the Congo and the court; they would therefore be voting against the proposed amendment and urged other delegations to the same.

32. **Ms. Zack** (United States) clarified that the proposed amendment occurred in paragraph 6 (f) of the revised text, and not in paragraph 6 (g) as she had originally stated.

33. **Mr. Mukongo Ngay** (Democratic Republic of the Congo), speaking in explanation of vote before the vote, pointed out that his country was a party to the Rome Statue for the International Criminal Court, and noted that the court was currently working in the territory of the Democratic Republic of the Congo to investigate the crimes that had been committed there. The Democratic Republic of the Congo supported the International Criminal Court and would vote against the proposed amendment.

34. *A recorded vote was taken on the amendment to paragraph 6 (f) of the draft resolution, as amended.*

*In favour:*

Palaos, United States of America.

*Against:*

Albania, Algeria, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Bolivia, Bosnia-Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chad, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Timor Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yemen, Zambia, Zimbabwe.

*Abstaining:*

Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Bhutan, Brunei Darussalam, Burundi, China, Colombia, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Haiti, India, Indonesia, Iraq, Liberia, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mongolia, Mozambique, Nepal, Nicaragua, Oman, Pakistan, Qatar, Rwanda, Singapore, Sri Lanka, Suriname, Thailand, Togo, Tunisia, Tuvalu, Uganda, United Republic of Tanzania.

35. *The amendment to paragraph 6 (f) of the draft resolution was rejected by 116 votes to 2, with 38 abstentions.*

36. **The Chairman** announced that a recorded vote had been requested on the third and fourth lines of the preamble and on paragraph 6 of the amended text. In reply to a question by the representative of Cuba, he stated that the two lines and the paragraph in question would be voted on separately.

37. **Mr. Khane** (Secretary of the Committee) read out the lines and paragraph to be voted on, in order to avoid any ambiguity between document A/C.3/59/L.54 and the document containing the final amendments dated 22 November 2004, which had been circulated to the delegations.

38. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) asked the Chairman which delegation had requested a recorded vote on the two lines and paragraph.

39. **The Chairman** replied Uganda had requested the recorded vote.

40. **Ms. Bakker** (Netherlands) stated that the sponsors of the draft resolution would vote to maintain the third line of the preamble.

41. **Ms. Otiti** (Uganda), speaking in explanation of vote before the vote, said that her explanation referred to the two lines and the paragraph in question. Her delegation deplored the fact that the draft resolution took no account of progress made and efforts deployed in the region, notably the declaration of principles adopted at the International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, held in Dar-es-Salaam (United Republic of Tanzania) on 19 and 20 November 2004. By referring to later documents based on rumours and unverified allegations, the draft resolution had lost all credibility and had cast a shadow over positive developments that are being verified on the ground. Uganda's participation in peace processes in the Great Lakes region was aimed exclusively at establishing peace and security; and any insinuation that it was party to the conflict in the Democratic Republic of the Congo was not only incomprehensible and unfounded, but also unacceptable. At the present time, the conflict in the Democratic Republic of the Congo was exclusively internal, and Uganda had only intervened at the behest of the President of that country who had appealed for its assistance in bringing an end to the conflict, notably in the eastern part of the country. The manoeuvrings of the sponsors of the draft resolution would not prevent Uganda from persevering with efforts to improve the situation in the region, nor should other countries in the region be discouraged from doing likewise. Desirous of reaching a consensus on that draft resolution, the Ugandan delegation had participated in the negotiations with complete transparency and in a spirit of cooperation, doing everything in its power to achieve the objective. The speaker regretted that such attempts had foundered, and she hoped that subsequent resolutions on the issue would look to the future and recognize the encouraging events that have occurred in the Great Lakes region. For that reason, the Ugandan delegation had asked for separate votes on the third and fourth lines of the preamble, and on the whole of paragraph 6 of the amended text, and would vote against each of the lines and the paragraph, and also against the draft resolution as a whole.

42. **Mr. Mukongo Ngay** (Democratic Republic of the Congo), speaking in explanation of vote before the vote, pointed out that as the draft resolution concerned the Democratic Republic of the Congo and not Uganda, he was astonished that the text was more of a problem for Uganda, as if that country acknowledged having committed the serious human rights violations in the Democratic Republic of the Congo of which he accused it. Clarifying that the explanation of the vote on the third line of the preamble applied to all the lines and the paragraph to be voted upon, he announced that his delegation would vote to maintain them, since they were extremely important. The importance of the third line of the preamble stemmed from the fact that it established a link between the past and present, whereas Uganda probably wanted a vacuum. The Democratic Republic of the Congo would vote to maintain the line in question, and it called on all peace-loving States to do likewise.

43. *A registered vote was taken on the third line of the preamble.*

*In favour:*

Albania, Andorra, Angola, Argentina, Australia, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kyrgyzstan, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palaos, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Against:*

Rwanda, Uganda.

*Abstaining:*

Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cambodia, China, Colombia, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Ethiopia, Ghana, Grenada, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mongolia, Morocco, Nepal, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Tunisia, Turkmenistan, Tuvalu, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

44. *The third line of the preamble was maintained by 101 votes to 2, with 61 abstentions.*

45. *A recorded vote was taken on the fourth line of the preamble.*

*In favour:*

Albania, Andorra, Angola, Argentina, Australia, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kyrgyzstan, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palaos, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Against:*

Rwanda, Uganda.

*Abstaining:*

Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cambodia, China, Colombia, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Ethiopia, Ghana, Grenada, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Tunisia, Tuvalu, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia, Zimbabwe.

46. *The fourth line of the preamble was maintained by 100 votes to 2, with 61 abstentions.*

47. **Mr. Nyamulinda** (Rwanda), speaking in explanation of vote before the vote, thanked the delegation of the Netherlands and the European Union for the open spirit displayed throughout the consultations, and deplored the fact that they had failed to reach consensus on the draft resolution.

48. **Ms. Groux** (Switzerland), speaking on a point of order, asked the Chairman to clarify once again that the vote related to paragraph 6 of the text and not the draft resolution as a whole.

49. **The Chairman** confirmed that the vote related to paragraph 6 of the text, as amended.

50. **Mr. Nyamulinda** (Rwanda) stated that he had misunderstood, and withdrew the explanation of his vote, focusing exclusively on paragraph 6 of the text, as amended. He stated that his delegation would vote

against maintaining that paragraph, because by addressing all parties to the conflict in the Democratic Republic of the Congo, and citing Rwanda by name in line (b), it insinuated that Rwanda was a party to the conflict. His country had not intervened in the conflict in question, however, or in the internal affairs of the Democratic Republic of the Congo. The human rights situation in the Democratic Republic of the Congo was an internal matter, and ought not to be used to attack other countries in the region.

51. *A recorded vote was taken on paragraph 6 of the text, as amended.*

*In favour:*

Albania, Andorra, Angola, Argentina, Australia, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Canada, Central African Republic, Chad, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, El Salvador, Equatorial Guinea, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mozambique, Myanmar, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palaos, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Against:*

Rwanda, Uganda.

*Abstaining:*

Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, China, Colombia, Democratic People's Republic of Korea, Ecuador, Egypt, Eritrea, Ethiopia, Ghana, Grenada, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Tunisia, Tuvalu, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of), Yemen, Zambia, Zimbabwe.

52. *Paragraph 6 of the text, as amended, was maintained by 93 votes to 2, with 67 abstentions.*

53. **The Chairman** announced that a recorded vote would be taken on draft resolution A/C.3/59/L.54 as a whole, as amended.

54. **Mr. Nyamulinda** (Rwanda), speaking in explanation of vote before the vote, announced that his delegation would vote against the draft resolution as a whole, since it failed to take account of reality and the new dynamic existing on the ground. In the third and fourth lines of the preamble, the draft resolution referred to resolutions that had been signed in the context of conflicts that had ravaged the Great Lakes region several years earlier. Such resolutions had often been presented for political reasons and lacked objectivity; their aim was to find scapegoats rather than seek the true causes of the current human rights situation in the Democratic Republic of the Congo. The draft resolution also failed to mention the human rights violations committed by the former Armed Forces of Rwanda and the Interahamwe militiamen, who had been responsible for genocide in Rwanda, and by other armed groups, when these were the origin of all the ills inflicted on the eastern part of the Democratic Republic of the Congo. Rwanda would nonetheless continue to spare no effort to re-establish peace, stability and security in the Great Lakes region, and called upon the sponsors of the draft resolution in the future to recognize the new dynamic in the region and to frame their text in a logic of reconciliation both within and between the States of the region.

55. **Mr. Mukongo Ngay** (Democratic Republic of the Congo) said the occupation of the eastern part of his country, which had lasted for five years, had been marked by massive, systematic and documented violations of the rules of international humanitarian law and human rights, resulting in the death of around 3.5 million people. Nonetheless, it was no exaggeration to claim that the peace process in his country had progressed well since the conclusion of the Global and All-Inclusive agreement signed in Pretoria on 17 December 2002, and the establishment of a Government of national unity and transition.

56. Although violence and insecurity persisted, particularly in the east of the country, one could reasonably claim that peace and reconciliation, national unity, reconstruction, economic recovery and development were on track. In that context, the Congolese delegation saw strengthening of the rule of law as one of the main challenges to be overcome, in order to break the cycle of violence, put an end to impunity, combat one of the underlying causes of the conflict which had ruined the country, and lay definitive foundations for a genuinely democratic society in DRC. Consequently, the necessary reconciliation in the Great Lakes region required that the crimes committed be brought to light, responsibilities apportioned and justice provided to the victims.

57. The speaker referred to resolution 2004/84 of the Commission on Human Rights whereby the Commission had changed its strategy for examining the human rights situation in DRC, resulting in the appointment on 26 July 2004 of an independent expert with a mandate better suited to current needs for re-establishing the rule of law and justice administration in the country. It was essential that the draft resolution took account of the dynamic of the new mandate entrusted to that expert.

58. That did not seem to have been a concern of the European Union and other sponsors of the draft resolution, who drew their inspiration from previous resolutions and continued to point the finger of accusation at the transitional government, at a time when it urgently needed help in strengthening its capacities in the justice domain. The fact that this was widely recognized was a paradox that indicated either a lack of genuine willingness to help DRC, or else a culpable failure to understand the Independent Expert's new mandate. One could not demand superhuman efforts from the Government, which would be beyond the capacity of stable State in normal times, to promote justice, peace and democracy in a land rendered fragile by five years of war. The speaker was particularly mindful of the thinly veiled injunctions to the Government of national unity and transition contained in paragraph 6 (d) and (e) of the draft resolution. The Congolese delegation made clear that its government had always acknowledged the dilapidated state of its judicial system, just as it realized that it was impossible to wage an effective fight against impunity in such conditions. The Democratic Republic of the Congo was more determined than ever to establish and maintain a fair, reliable, moral and effective justice system, in keeping with the principles of the United Nations Charter and international law. That was also the aim of the ongoing reform of the justice system, which, nonetheless was coming up against the problems that new democracies often faced. The speaker believed that in the current context of resource scarcity, compromised security, and a population traumatized by five years of war, instead of issuing injunctions to its Government, the European Union ought to have proposed strengthening the mechanism for assisting his country, since no State on its own can face the multiple challenges of establishing justice and respect for the rule of law in a transition society. Rather, the issue depended on shared responsibility between the State and the international community.

59. With reference to paragraph 6 (e) of the draft text, the speaker observed that the issue of abolition of the death penalty was also within the framework of justice system reform, the success of which depended on resources and assistance provided by the international community. The issue of capital punishment should have been the subject of an in-depth study by the national parliament, which is the only body empowered to decide whether it should be maintained or abolished. Congolese public opinion still believed in the death penalty, especially for cases of attempted murder. Moreover, given the current state of prison infrastructure in DRC it was unlikely that a criminal found guilty of an offence otherwise punishable by the death penalty would fully serve the alternative sentence. The path to abolition should therefore be matched by an improvement in prison policy and administration. The representative recalled that his government had established a moratorium on the death penalty, which although suspended, remained in force in the sense that Congolese jurisdictions confined

themselves to pronouncing the death penalty without actually executing it.

60. Referring to paragraph 6 (j) of the draft resolution, the speaker recalled that the pillage of natural resources in DRC was being orchestrated by elements that were fomenting conflict in the country, who in profiting from the activity, had become world exporters of materials that they did not produce; he was referring here to Rwanda and Uganda. If DRC had been left in ruins, it was because neighbouring countries had sown desolation and violence and systematically pillaged its economic resources, as attested by the overwhelmingly damning reports filed by the panel of experts appointed by the Security Council on this subject. The speaker therefore considered that it was those countries should have been directly addressed when inserting a line in paragraph 5 of the draft text. Paragraph 6 (j) was unacceptable to the Congolese delegation because it accused the Congolese government of illegally exploiting its own wealth.

61. The draft resolution would not have made any sense if it had fully conformed to the recommendations made by Independent Expert appointed by the Commission on Human Rights, notably the creation of an International Criminal Tribunal by DRC, without renouncing reform of its judicial system, at a time when the International Criminal Court had begun to investigate the serious crimes committed in the country. The Congolese delegation considered that crimes committed before 1 July 2002, which fell outside the jurisdiction of ICC, could not go unpunished; but it would be impossible to put an end to such acts until the international community agreed to support an International Criminal Tribunal for DRC, capable of prosecuting and punishing the perpetrators. This was the thrust of the appeal made by the Congolese President from the platform of the General Assembly on 24 September 2003. Letting crimes go unpunished risked compromising national reconciliation and the advent of the rule of law in DRC.

62. The speaker announced that his delegation would abstain from voting on the draft resolution and urged all other delegations to do likewise.

63. **Mr. Cardoso** (Brazil) recalled that his delegation had expressed doubts to the Commission on Human Rights and the General Assembly about resolutions on country-specific human rights situations, because they failed to benefit the people they were intended to protect. For that reason Brazil had proposed that the Commission on Human Rights should establish a global report on the human rights situation around the world, and had supported a strengthening of thematic mechanisms. The Brazilian delegation would therefore abstain from voting on the draft resolution, while noting that it drew attention to progress made on certain aspects of human rights, notably implementation of the Global and All-Inclusive agreement.

64. *A recorded vote was taken on the draft resolution as a whole.*

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*In favour:*

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Norway, Palaos, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Timor Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Against:*

Rwanda, Uganda.

*Abstaining:*

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Central African Republic, Chad, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's

Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkmenistan, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

65. *The draft resolution was adopted by 72 votes to 2, with 94 abstentions.**

66. **Ms. Zack** (United States of America), explaining her delegation's vote in favour of the draft resolution, said that her country remained concerned about continuing violations of human rights and international humanitarian law in DRC, and recalled that during the last 10 years, successive wars in that country had cost the lives of some 3 million civilians; sexual violence was rampant; and countless detainees were being held without due process. The United States supported the calls for all parties in the conflict to put an end to violence, and it joined other countries in demanding that the government of national unity and transition respect the obligations incumbent upon it under international instruments relating to human rights, and put an end to impunity. The speaker recalled her country's reservations towards the International Criminal Court, but said that those who were guilty of violations of human rights and international humanitarian law should be prosecuted in the appropriate national and international courts.

67. **Mr. Degia** (Barbados), explaining his delegation's abstention in the vote on paragraph 6 (f) of the amended draft text, pointed out that although his country was party to the Rome Statute for the International Criminal Court, it was opposed to any country-specific resolution.

68. **The Chairman** moved that the Committee take note of the following reports, in accordance with General Assembly decision 55/488:

On agenda item 105 (c):

Note from the Secretary General transmitting the report of the Independent Expert of the Commission on Human Rights on the situation of human rights in Afghanistan (A/59/370);

Note from the Secretary General transmitting the report of the Special Rapporteur on violations of international humanitarian law and human rights committed in the Palestinian territories occupied since 1967 (A/59/256);

Note from the Secretary General transmitting the report of the United Nations High Commissioner on Human Rights concerning the situation of human rights in Sierra Leone (A/59/340);

Oral report of the Independent Expert responsible for the situation of human rights in the Democratic Republic of the Congo, presented at the twenty-ninth meeting of the Committee;

Oral report of the Special Rapporteur responsible for studying the situation of human rights in the People's Democratic Republic of Korea, presented at the twenty-ninth meeting of the Committee;

Oral report of the Independent Expert on the situation of human rights in Sudan, presented at the thirtieth meeting of the Committee.

On agenda item 105 (e):

Report of the United Nations High Commissioner for Human Rights (A/59/36).

69. *There being no objection, it was so decided.*

70. **The Chairman** invited the Committee to consider the issue of revitalization of its work and drew its attention to document A/C.3/59/CRP.1/ Rev.1.

71. **Mr. Khane** (Secretary of the Committee) read out the amendments made to the abovementioned document. Below the title of the document, "Revitalization of the work of the Third Committee", it was proposed to add the following text: "Recalling General Assembly resolutions 58/126 of 19 December 2003 and 58/316 of 1 July 2004 on the revitalisation of

* The bolivian delegation subsequently informed the Committee that instead of abstaining it wished to vote in favour of the draft resolution.

the work of the General Assembly, the Third Committee approves the text related to its work contained in the annex to the present document." In the annex to paragraph 3 (a), the last sentence should be replaced by the following: "The Secretariat is requested to provide the Third Committee with a list of participants prior to the debates, in order to facilitate delegations' preparations for the question time." In paragraph 3 (b), the final sentence should be replaced by the following: "Interactive debates shall be organized in consultation with Member States."

72. **Ms. Astanah Banu** (Malaysia), Vice-Chairman, presented document A/C.3/59/CRP.1/Rev.1, entitled "Revitalization of the Work of the Third Committee", in response to the demand expressed in General Assembly resolution 58/316. She applauded the fact that the Third Committee had been able to submit the conclusions of its work on this subject well before the deadline set in the General Assembly resolution. She made clear that adoption of the document did not signify the end of the process, and that the Committee had to oversee fulfilment of the document's recommendations by each Member State, by herself, by the Secretariat and by all parties involved. Moreover, the Committee would have to help integrate the contents of that document into a text for adoption by General Assembly regarding the follow-up to resolution 58/316. The Vice-Chairman asked Member States to immediately implement the recommendations contained in the document.

73. There being no objection, the Chairman would transmit the recommendations contained in document A/C.3/59/CRP.1/Rev.1 to the President of the General Assembly, for analysis by the General Assembly in plenary session.

74. *It was so decided.*

75. **The Chairman** invited the Committee to consider its work programme for the sixtieth session of the General Assembly, and drew attention to document A/C.3/59/CRP.2.

76. **Mr. Khane** (Secretary of the Committee) read out the amendments made to the abovementioned document. In item 6, entitled "Advancement of women", the following would be added at the end: "In depth study on violence against women." The title of item 9 "Programme of activity of the international decade of indigenous peoples (1995-2004)" was altered to "Indigenous issues". In item 4, "Crime prevention and criminal justice", the entry entitled "United Nations Congress for crime prevention and criminal justice" would be eliminated.

77. **Ms. Carvalho** (Portugal), referring to item 2, commented that the phrase "World Programme of Action for Youth to the Year 2000 and Beyond" after "Policies and programmes involving youth", should be eliminated, since it was the title used in the General Assembly resolutions. She asked for that amendment to be taken into account in the document.

78. **Ms. Ahmed** (Sudan), referring to item 2 and the entry entitled "Family", asked whether this was the precise title, or whether something was missing.

79. **Mr. Khane** (Secretary of the Committee), replied that in document A/58/509, the title of the point in question was indeed "Family", and that the issue had to be examined in odd years.

80. There being no objection, the provisional work programme of the Third Committee was adopted, and would be transmitted to the President of the General Assembly for analysis by the Assembly in plenary session.

81. *It was so decided.*

82. **Ms. Kusorgbor** (Ghana), Vice-Chairman, reported on consultations held on the definition of criteria governing future invitations to special rapporteurs, independent experts and chairpersons of work groups of the Special Procedures of the Commission on Human Rights. Delegations clearly needed more time to reflect on those criteria, so it had been proposed to report on the examination of that issue at the sixtieth session of the General Assembly.

83. There being no objection, the Committee would re-examine the question of criteria governing invitations to individuals in the framework of the Special Procedures of the Commission on Human Rights at its sixtieth session.

84. *It was so decided.*

85. **The Chairman** recalled the content of General Assembly resolution 58/126, and in particular the fact that the bureaus of the main committees were fully elected three months in advance of the forthcoming session; accordingly, the Committee would meet in due course to elect a new bureau. The Chairman stated that the Third Committee had completed its work for this part of the fifty-ninth session.

*The meeting rose at 5.45 p.m.*